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# MOTIONS

Vol. XXXI, No. 5

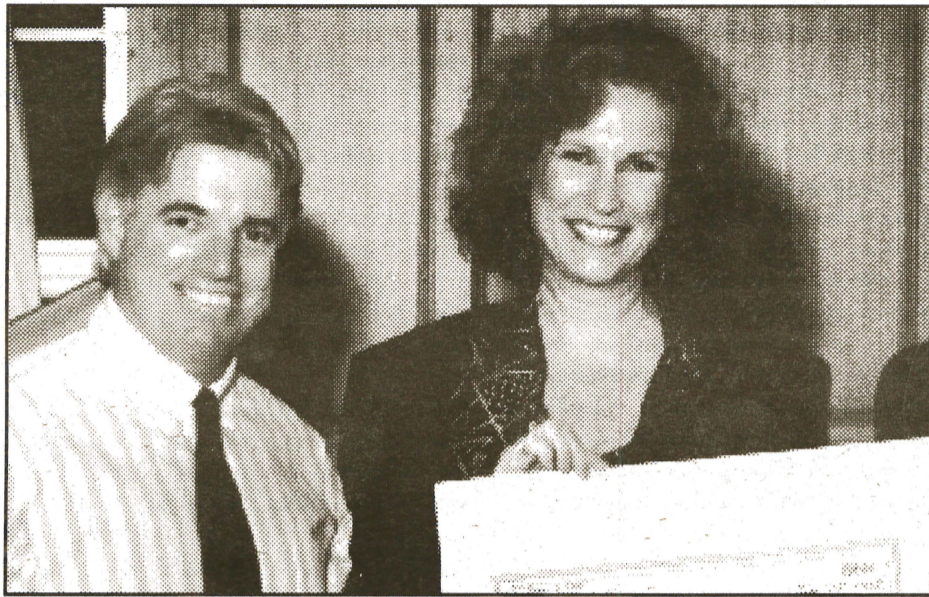
WEDNESDAY, FEBRUARY 7, 1996

## Law School Gets \$4 Million Gift

By Belinda Etezzad Rachman

USD was recently given a \$4 million gift to support clinical education by Michael Thorsnes, a USD Law alum from the class of 1968. According to Dean Christine Strachan, this is the largest gift in the law school's history. She said Thorsnes, a partner in a general business litigation firm in San Diego, attributes much of his success to the legal education he received at USD Law School.

Mr. Thorsnes has been a long-time supporter of USD's trial team. This year he gave \$25,000 to supplement the trial team budget for this and next school year. According to Professor Richard Wharton, trial team Director, Mr. Thorsnes began giving money to the trial team three or four years ago so that USD could compete in national competitions. One year ago Thorsnes asked Wharton what he could do to help make the trial team as good as possible. A meeting followed between Professor Terry Player, Wharton and Thorsnes to draw up a clinical education wish list. Wharton suggested the possibility of creat-



USD Law alum Mike Thorsnes gave the law school money to enhance clinical programs

ing an intense clinical semester that would be available to all USD law students instead of the limited openings available in clinical programs now. Thorsnes was very enthusiastic about that idea, Wharton said.

Kathleen Quinn, Director of

Development for the law school, discussed with Mr. Thorsnes the possibility of an endowment several years ago. When Thorsnes realized that the sale of one of his investments would enable him to donate this sizable grant, Quinn and Dean

Strachan began the negotiations that resulted in his gift.

Thorsnes has stipulated that the money is to be spent on ambitious clinical education. In addition, he has established a \$5,000 prize for the best teacher of the year to be voted on by upper-division students.

Thorsnes' intent is to put USD on the map, help recruit students, and give USD a lot of visibility, according to Dean Strachan. The Dean reports that faculty will be chosen along with a few outsiders to visit schools with innovative clinical programs "so we don't re-invent the wheel."

Dean Strachan has said that she would like to send more teams to more competitions, have more clinical courses, and teach a wider variety of skills. She said it is important to graduate law students with a minimum level of competency in all essential skills in all areas of law including office management and drafting documents. Some schools are teaching "Law Offices of the Future" and Strachan would like to offer a class like that, as well.

## Toys Stolen from Writs Elicit Strong Response

By Eydie Kaufman

In mid-December, several toys purchased for a Christmas toy drive sponsored by the Women's Law Caucus were stolen from the Writs. However, in the true spirit of the holidays, students, faculty, and local residents responded with donations and toys to help replace the missing items.

According to Anna Lee Nations, SBA representative for the WLC, as many as 30

presents were missing. Most toys were wrapped and left in a collection box outside the WLC office in the Writs. Nations called people that had donated to verify they had left their toys. "Some of them were taken from inside the office," added Kim Wyngate, a WLC member. "I have to believe whoever took it needed it more than we did."

The total loss was valued at \$400. Nations said "We were just upset about the

whole thing and we didn't want the kids to go without presents." Nations and Wyngate wanted to contribute their own money to replace the loss, but Nations said she realized they were "totally poor" and "couldn't replace them successfully ourselves."

Nations contacted the *San Diego Union-Tribune* and an article was written about the theft. In addition, several local TV stations interviewed Wyngate and another member, Erika Jackson, about the loss. "The result was overwhelming," said Nations, "[Wyngate and Jackson] were working non-stop for a week to manage the response."

Students, faculty and alumni of USD, and private citizens who had seen the reports, gave over \$800 to the toy drive to replace missing items. The extra gifts and money were "donated to one of the TV sta-

tion's big toy drives," said Wyngate. "It worked out well," added Nations "We got so many more toys."

Started last year, the drive benefits children in low income houses whose parents cannot afford presents. The children write letters requesting a present. The Women's Law Caucus compiles the letters and asks people to fulfill the wishes of the children. This year, 90 children wrote requests, tripling last year's drive.

Although no official report was made with campus security, Director Chuck Mosier did contact Wyngate to find out if there were any leads. Mosier said the chances of finding the culprit are "nearly impossible," since there are no witnesses. Although there are no suspects, Nations hypothesized that the thief must be from

TOYS continued on page 7

## USD TO RECEIVE Order of the Coif

By Belinda Etezzad Rachman

After 20 years and three attempts, USD is likely to receive one of the highest honors bestowed on law schools, the Order of the Coif. Since the Order's inception in 1902, only 75 law schools have been asked to join. While many schools apply each year, USD was the only school inspected in 1995.

According to Dean Strachan this honor is a huge reputation builder. It's a mark of distinction that is recognized by employers who may not be aware of USD's reputation. Also, judges know about the Order of the Coif and consider this when hiring clerks. The Dean says this increases the value of a USD law degree.

While 40% of American Bar Association accredited law schools have the Order of the Coif, many gained recognition early on. Once a school receives the honor they are no longer inspected and can never lose the recognition even if they would no longer qualify. According to Dean Strachan, more schools have obtained the honor than actually reflected by the current standards the Coif represents. This fact, combined with increasingly stringent standards, means it is more difficult for a law school to be recognized by the Coif committee.

In order for a law school to qualify it must be accredited by the ABA. The school must also be recognized by the Association of American Law Schools. Two thirds of ABA schools are in the AALS. If a school is a member of both those groups, it may apply for a Coif inspection. Each application involves assembling thousands of pages of documentation. If the Coif committee decides the school might qualify, then a group of inspectors visits the applicant school. USD was visited this past September and three judges inspected our school for the quality of faculty scholarship, the quality of the student body, and the rigor of the intellectual experience.

The top 10% of USD graduates will be elected to the Order of the Coif each year. At all future graduation ceremonies there will be a special augmentation to the mortarboards of all those elected to the Order of the Coif.

The last step before the honor becomes official is a vote of approval by the member schools. At least 80% must consent. In the history of the Order of the Coif, no recommended school has ever been turned down. USD should receive official notification of the decision by April, in time for this year's graduation.

## USD Settles Law Suit with Former Dean

By Eydie Kaufman

A settlement has been reached between USD and former employee Marilyn Young. The settlement came as the University was appealing a \$960,000 jury decision for wrongful termination awarded last March.

The University and their insurance carrier have been engaged in settlement talks with Young's lawyer, David Strauss, since last summer. Strauss said the sides had "resolved this matter to the mutual satisfaction of the parties," but declined to comment further on the grounds that part of the settlement prohibited communication with anyone connected with the University. Strauss also declined comment to Ann Kruger, a *San Diego Union-Tribune* reporter, despite her

SETTLEMENT continued on page 7

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## WHAT'S NEW IN THE LRC? BOOKS OF SPECIAL INTEREST....

Compiled by  
Franklin A. Weston  
Senior Reference Librarian

ATIYAH, PATRICK S. *An Introduction to the Law of Contract, fifth edition.* Offers a complete revision of the four previous editions with new examples. Uses a modern historical approach to explain how the law has changed over the past 100 years.

BRUNDAGE, JAMES A. *Medieval Canon Law.* Explains the origins of canon law in the early Christian church, and its gradual development until its full flowering in the age of Gratian and the schools of law of the classical period (1140-1375); then examines canon law and private life, canon law and public life, the canonical courts and procedures, and canonical jurisprudence.

BUBECK, DIEMUT. *Care, Gender, and Justice.* Elucidates how and why care is exploitative as long as it remains women's work, and what problems it poses for conceptions of social justice.

DAYTON, CORNELIA HUGHES. *Women Before the Bar: Gender, law, & society in Connecticut, 1639-1789.* Investigates changing patterns of women's participation in early American courts across a broad range of legal actions—including proceedings related to debt, divorce, illicit sex, rape, and slander.

DICKS, SHIRLEY. *Young Blood: Juvenile justice and the death penalty.* Examines the problems of today's youths, the types of crimes they commit, and suggestions to keep them from following the criminal path.

ELSTER, JON. *Local Justice in America.* Looks into how selections are made in four critical areas: college admissions, kidney transplants, employee layoffs, and legalized immigration, with case studies.

GOODRICH, PETER. *Oedipus Lex: Psychoanalysis, History, Law.* Proposes a theory of subjective attachment to law, suggesting that the aesthetics of legal practice—juristic taste, discrimination, and judgment—provide access to the subconscious of law.

HILL, FRANCES. *A Delusion of Satan: The full story of the Salem Witch Trials.* Guides us through the thickets of history and explains exactly what went on during the period between 1691-1693 when over 100 men, women, and children were shackled in the prison at Salem, charged with witchcraft.

KATZMANN, ROBERT A. *The Law Firm and the Public Good.* Argues that pro bono work is in the law firm's self-interest; that a heightened concern with the public good can improve a lawyer's spirit, sharpen lawyering skills, and enhance the humanistic traditions of law practice; and that the law firm and the public good are linked.

KYMLICKA, WILL. *The Rights of Minority Cultures.* Includes the nature and value of cultural membership, models of cultural pluralism, individual and group rights, minority representation, immigration, and secession.

LEDERER, LAURA. *The Price We Pay: The case against racist speech, hate propaganda, and pornography.* Contends that the price is too high, that it is borne unevenly, and that the standard legal response—absolutist adherence to the First Amendment—is inadequate, unjust, and in need of revision.

LEVY, LEONARD W. *A License to Steal: The forfeiture of property.* Traces the development and implementation of forfeiture and contends that it is a questionable practice that, because it is so often abused, serves only to undermine civil society.

MALTESE, JOHN ANTHONY. *The Selling of Supreme Court Nominees.* Traces the evolution of the contentious and con-

troversial confirmation process awaiting nominees to the Supreme Court.

MILLER, MARK C. *The High Priests of American Politics: The role of lawyers in American political institutions.* Offers an incisive look at how and why lawyers dominate legislatures in the U.S. and what impact, for better or worse, the dominance has on broader governmental systems.

NENNER, HOWARD. *The Right to be King: The succession to the Crown of England, 1603-1714.* Explores the rules and assumptions that governed the succession to the throne in late Tudor and Stuart England: by inheritance, election, nomination, conquest, and prescription.

OWEN, DAVID R. *Courts of Admiralty in Colonial America: The Maryland experience, 1634-1776.* Examines the history of the admiralty law system as it was transmitted from England to America.

PUCCIO, THOMAS P. *In the Name of the Law: Confessions of a trial lawyer.* A behind-the-scenes look at the personal story of a prosecutor/criminal defense lawyer.

REGAN, PRICILLA M. *Legislating Privacy: Technology, social values, and public policy.* Explores the dynamics of congressional policy formulation on privacy issues and explains why legislation has lagged so far behind technological development.

REIMAN, MATHIAS. *Conflict of Laws in Western Europe: A guide through the jungle.* Outlines the overall features of European conflicts law: its civil character, its profoundly international orientation, and the character of its rules; and covers conflict of laws in the civil culture, the levels of conflicts, jurisdiction, judgments, and procedure.

ROBERTSON, BERNARD. *Interpreting Evidence: Evaluating forensic science in the courtroom.* Explains in clear and logical

terms principles of interpretation which are applicable to all forms of scientific evidence, and shows how witnesses should present their evidence and how litigants should attempt to seek out the true value of the evidence.

SCHWARTZ, BERNARD. *The Unpublished Opinions of the Rehnquist Court.* Provides a behind-the-scenes look at the Supreme Court, showing how changes between the drafts and the Justices' final opinions have created substantial differences in the outcome of the Court's decisions.

SCHWARTZ, WARREN F. *Justice in Immigration.* Addresses the questions: When is it justifiable to exclude a person who wants to enter a country? and What are the acceptable moral bases for immigration policy?

SIEGAN, BERNARD H. [U.S.D.'s own constitutional law scholar!] *Drafting a Constitution for a Nation or Republic Emerging into Freedom.* Describes the terms and provisions that a constitution dedicated to the maintenance of a free society should contain, together with the rationale and philosophy behind them.

SINHA, SURYA PRAKASH. *What is Law?* Cuts across the chronological barrier of history to consider the most significant legal theories and systems based on the originality of their contribution to human thought.

TULLY, JAMES. *Strange Multiplicity: Constitutionalism in an age of diversity.* Addresses the six types of demands for cultural recognition that constitute the most intractable conflicts of the present age: supranational associations, nationalism and federalism, linguistic and ethnic minorities, feminism, multiculturalism, and Aboriginal self government

## MOTIONS

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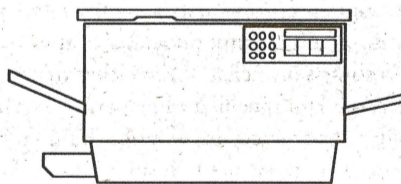
 University of San Diego

## A Message from the President....

Welcome back to everyone! I hope that everyone is planning to have as great a semester as I am. To all of my fellow third year students: A few more weeks and we're outta here.

First I would like to update everyone on some things that have happened over the break, beginning with the printing issue in the LRC. All of the effort which students put into voicing their concerns about the elimination of free research printing in the LRC was well spent. Dean Strachan listened to our concerns and decided that they had some merit. Of course, she also decided that the LRC's reasons for eliminating printing also had merit. Therefore a six member committee was formed to shape a solution for the issue. The committee included myself, Rich Ames, Sean Salmon, Professor Theresa Player, Nancy Carter, and Professor Mike Ramsey. We met over the break and came up with a great solution. There will be no free research printing on the terminals in the new computer lab, BUT (and this is a big BUT) there will be free WESTLAW and LEXIS printing from the dedicated WESTLAW and LEXIS terminals. Plans call for 5 to 7 terminals of each to be available on the second floor of the LRC. This plan will go into effect as soon as the new computer lab is up and running, which should be in the next several weeks. We considered this a major victory for the students because the administration listened to

our concerns, and acted on them. While we won't be able to access the stand alone printers from the lab, it is hardly an inconvenience to go up to the second floor, and

Free Printing  
in the library

we have not had access to the LEXIS printer for more than a year and a half. My thanks to everyone whose efforts made this success possible.

Also over the break, we had a move in the mailbox location. There were several reasons I pushed for this move: improved accessibility, lower crowding, less noise in 2C, and because I wanted to install a bulletin board over the mailboxes that will list upcoming events. Unfortunately, I wanted the mailboxes moved downstairs. The Dean did not feel that was the best idea, so they are only moving across halls on the second floor. If you liked the location in the second floor lobby, sorry, it was only temporary. So, it appears that we will continue to have crowding and accessibility problems, but the noise in 2C has been reduced, and the bulletin board is up.

Please check it daily when you get your mail for what will be happening on campus. Hopefully this will reduce our paper pollution by eliminating the need for general stuffing of mailboxes by student groups.

O.K. that's the break, now for some things that are coming up. The SBA will be sponsoring a blood drive with the San Diego Blood Bank on February 14th to prove that lawyers really are bleeding hearts and that we do want to contribute to the community. There is an appointment schedule for donors on the door of the SBA office. Please sign up to prove that you care about the community. We are also attempting to plan a Mardi Gras party that will rival the Halloween Party. Keep your eyes open for details. In an effort to control commercialism on campus (and to relieve representatives from table sitting duties), we are trying an experiment this semester by only allowing bar review courses to sit for two scheduled two-week periods. One in February and one in April. If you have bar review course questions, find a representative and please stop by their tables during the sitting periods. Also, give your SBA rep your comments, if you have any, to help us determine if this format is a success. Finally, Sheila Mahmoudi will be looking for some fine third year volunteers as we begin to plan this year's graduation party. Hopefully it will be the best ever.



# Three New Ballot Measures Address Lawsuit Reform

By Chris Knight

Three new initiatives are heading for the ballot at the March 26 Primary elections. These three in particular will directly affect the lives of present and future attorneys, so I spoke with a representative of the sponsor to get a little more information about them.

Joe DeVries is the 26-year-old San Diego County Campaign Director for Voter Revolt, a grass-roots consumer advocacy group. Voter Revolt is the same group that brought us Prop. 103 in 1988, which established the Insurance Commissioner as an elected position and mandated lower auto insurance rates across the state. They also joined other groups to support Prop. 186, the single-payer health care initiative that was defeated at the polls.

This time, Voter Revolt is pushing three initiatives at once, grouping them together in what they call a legal system reform package to benefit California consumers. Naturally, they are receiving opposition from the Trial Lawyers Association. Additional opponents include Harvey Rosenfield, founder of the Proposition 103 Enforcement Project and a former member of Voter Revolt. Normally, the money Voter Revolt receives from its door-to-door canvassing operations could not compete with the resources of the CTLA, but this time they have major support from some California businessmen. Tom Proulx, a silicon valley entrepreneur who invented the money management software Quicken leads the list of contributors who have helped raise the \$2.1 million for the successful petition drive and the publicity campaign. Andrew Tobias, winner of the 1993 Consumer Service Media Award and author of the insurance industry expose *The Invisible Bankers* has also contributed.

The campaign has also received endorsements from groups around the state such as the Taxi Cab Association of California, the California Chamber of Commerce, the California Trucking Association, and the California Republican Party.

The opponents, in addition to fighting the initiatives the traditional way by advertising against them, are also sponsoring their own petition drive to place an initiative on the November ballot which would gut the major points of Voter Revolt's propositions. This leaves Voter Revolt in the uncharacteristic position of having to run a "no" campaign this summer against the CTLA's initiatives, assuming the three pass in March. With public sentiment for ballot initiatives drifting toward the cynical side already, DeVries thinks that may harm future attempts by his group to pass measures for more positive changes. However, he indicated that since most of the public disapproval for initiatives centers around the impression that special interest groups are dominating the process, the potential harm to his grass-roots group can be overcome. If they base their "no" campaign on exposing the money behind the November measures, they can defeat them like the cigarette companies' Prop. 188 was beaten without too much collateral damage to future consumer group proposals.

The initiatives themselves are briefly described in the box at right. DeVries explained why Voter Revolt supported each of them. Beginning with Prop. 200, he broke it down into three points. First, "pure" No Fault Auto Insurance eliminates the need for accident victims to sue the other drivers to get their claims paid.

Therefore, the \$2.5 billion per year going to personal injury attorneys from the insurance system stops. Second, you will not be sued by anyone if you are in an accident. This is especially important when you realize that 1 out of 4 California drivers are uninsured. That means that under the current system, 25% are not paying in, but are still taking out. This adds up to another \$1 billion annually. Third, the amount of fraud in the system is decreased. For example, in Michigan, which has a No Fault system similar to the one proposed in Prop. 200, there are one third the number of "soft" or unverifiable injuries reported as in California. In other words, California drivers get whiplash and have mental distress three times more than Michigan drivers. "Are we weaker people? Are our bones and muscles softer?" asks DeVries. He believes the answer lies in the fact that we have twice as many attorneys in California and file lawsuits at twice the national average.

"Pure" No Fault, as in this initiative, means that most pain and suffering awards will be eliminated. Drivers will be able to purchase pain and suffering policies from their insurance companies if they wish, and you can still sue if the other driver was drunk, on drugs, or committing a felony when he hit you. The non-partisan Rand Institute for Civil Justice, however, indicates in a study of the plan that the average driver who buys the minimum statutory policy now of \$15,000 liability will pay 39% less for a \$1 million No Fault personal liability policy, which greatly reduces the need for pain and suffering damages in the first place.

Turning to Prop. 201, DeVries emphasized that this "loser pays" system will ONLY apply to securities class action lawsuits. When asked why even bother when the initiative is so limited, he responded that there is a growing cottage industry in the U.S. of about 35 law firms that are thriving on just these types of suits, and that they are taking billions of dollars out of the economy for their own personal gain. "These suits are hurting investors, businesses, and jobs, and only benefiting the attorneys filing the suits and the professional plaintiffs who sign on as the named plaintiff," he said. "All the other class members end up getting duped."

The measure, explained DeVries, is designed to create a deterrent. If an attorney files this type of lawsuit and gathers 5% of the involved shareholders to sign on as named plaintiffs, then the lawsuit will move forward as usual. If not, then a bond must be posted to cover the likely legal expenses of the defendant, which will most likely be around \$1 million. Further, if the plaintiffs present legitimate evidence of fraud by the company, if, in other words, the judge determines that their position was "substantially justified," the rule will be waived. The judge can also waive the rule if it would be "economically unjust" to make the losers pay.

"The key is the bond," said DeVries. Right now, there is no risk to the plaintiff's attorney, but the average cost to defend one of these cases is \$692,000 and 1000 labor hours. Under Prop. 201, if the attorney has a good case, he will post the bond with the expectation of making around \$50 million.

DeVries described the third initiative, Prop. 202, as a way of making things more fair for the average consumer. By placing a 15% cap on attorney contingency fees when the client accepts a settlement offer made within 60 days of sending a demand

letter, we are also encouraging plaintiffs to settle sooner so they get more of their money. When confronted with the charge that this initiative will discourage attorneys from taking potential losing cases, he responded that the attorneys do not really know whether the case is a winner until they start digging into it, anyhow. "And if the case doesn't look like a slam-dunk," he continued, "chances are it won't be settled in 60 days anyhow." At that point, the attorney can charge whatever he wants on the amount in excess of the defendant's initial offer. DeVries also pointed out that this initiative does not affect hourly fees.

He also believes that this initiative will prompt defendants to offer bigger settlements earlier, because if they are truly negligent or at fault, the plaintiff will accept the offer with his eye on the 15% fee cap, and the defendant will then only have to pay his attorneys for 10 hours vice 100. The incentives for both sides to settle early will help unplug the courts, said DeVries.

When asked why a bunch of law students who hope to soon be attorneys should vote for these initiatives, DeVries responded "before you're a law student, you're a driver, and as a driver you can save a third on your auto insurance rates; and you're also probably eventually going to be putting a little money away for your retirement, and that money is in jeopardy by these securities lawsuits; and who knows, someday you may have to hire an attorney to represent you when you've been wronged, and wouldn't it be great to get 85% of [your damages] instead of 66%; so, as a consumer, as a voter, as a person interested in distributing the power equally among all people in a democratic society, you should vote yes on these."

## Environmental Law Clinic Wins Major Battle

The Environmental Law Clinic recently concluded three cases that illustrate the important dual role of clinical education in providing practical experience to law students while at the same time giving a voice to low and middle income communities who would otherwise not be heard in judicial and administrative forums.

The Clinic represented Protecting Our Barrio, a group of Barrio Logan residents who opposed the expansion of EDCO Disposal Corporation's waste transfer facility in their neighborhood. For many years the transfer facility had been operated in violation of its permit under Bay Cities Inc, processing putrescible waste rather than the dry cardboard specified in its permit. The facility had become a public nuisance infesting the area with clouds of flies, dust and vermin. Truck traffic made ordinary conversation impossible and damaged narrow streets. Neither nearby residents nor businesses could carry on normal activities. For a number of years, both the City and the County failed to heed neighborhood complaints of violations.

While working to obtain an Environmental Impact Report for the project, the Environmental Law Clinic learned that EDCO was operating the transfer station without a valid permit. EDCO claimed to be operating under the permit issued to its predecessor at the site, Bay Cities, but that permit was by its explicit terms "nontransferable." Moreover, the Clinic discovered through careful reading of the proposed conditions attached to the Coastal Development Permit granted to EDCO by the Planning Commission that EDCO had misrepresented to the

### The issues at a glance:

**Prop. 200: No-Fault Auto Insurance.** Eliminates the need to sue the other driver after an auto accident in order to get your claims paid. Your own policy covers medical expenses and lost wages. No need to buy uninsured motorist insurance. Eliminates "pain and suffering" claims, except in rare cases or if extra coverage bought from insurance company. Should significantly reduce annual insurance premiums and permit more drivers to obtain insurance.

**Prop. 201: Loser Pays in Securities Suits.** During stockholder class actions, plaintiff must satisfy the judge that his claim was valid and not frivolous. May require plaintiff to post a bond for defendant's attorney fees before suit can proceed. Designed to discourage groundless suits. Proponents claim it will benefit consumers by reducing legal costs that get passed on through the price of goods.

**Prop. 202: Contingency Fee Cap.** Caps attorney contingency fees at 15% if a settlement is offered and accepted within 60 days of sending demand letter. If settlement not accepted, there is no cap on final award in excess of initial offer. Encourages quick settlements.

Commission the type of waste it intended to process at the site. EDCO claimed that it would bring in only dry cardboard waste, when in fact it intended to increase the tonnage of putrescible waste that had created the public nuisance in the first place. In a dramatic hearing before the full City Council, the Clinic presented its evidence of EDCO's ongoing illegal operation and the site's history of past violations. Additionally, the Clinic pointed out a significant environmental justice issue--the transfer facility was intended to service communities like Coronado, La Mesa and National City, rather than Barrio Logan itself. The Clinic's evidence resulted in a unanimous vote to overturn the Planning Commission's decision to permit enlargement of the facility.

The Clinic also obtained a favorable result for a group of Allied Gardens residents opposed to Kaiser Permanente's placement of an experimental pyrolysis unit in their neighborhood. Residents Against Kaiser Emissions (RAKE) opposed building a medical and hazardous waste disposal facility in their area without a full environmental impact review to determine the effects of emissions from the facility. Of particular concern was the unquantified additions to the concentrations of pollutants in an already heavily polluted area. RAKE negotiated an agreement with Kaiser giving Kaiser up to two years to find a site for the facility away from residential areas. As a result of the settlement and RAKE's successful opposition, Kaiser has instituted an informational program to keep RAKE members and the Allied Gardens community informed of its progress in obtaining a new site.

See ELC on page 14

**You must register to vote at your current address by  
February 25 to vote in the March primaries! Don't miss out!**



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## Raj's World

This is going to be my last Raj's World. A friend of mine, one of the very few I've known my entire life, recently found out that there was a tumor in his back pushing up against his spine. There's a good chance it's cancerous and there are concerns about paralysis or even death. He recently graduated from Columbia and is living in San Francisco awaiting word on graduate school. It makes me sick that this could have happened to someone who worked so hard to get out of a small town in Tennessee and that I, who's goofed off his whole life and had things handed to him, would be stupid enough to complain about dumb shit in his school's newspaper. I wrote most of this before I decided to make it my last so I hope you bear with the not very smooth subject changes. But I definitely think I'll take my own advice after this and just shut up.

About three months ago I started running to keep in shape until my injured knee improved. Another jogger came zooming by me giving me a 'wow you're slow' smirk. I thought about tripping him but that just didn't seem right. So I started running every day and in about two weeks I saw him again. This time he came up to me and we ran a little distance together and I was keeping up with him pretty easily. He told me he ran marathons and had run track in college. Then, out of nowhere, he hit his stride, said bye, and took off. He looked like Wile E. Coyote with those Acme rockets strapped to his back going after the Roadrunner. I should have tripped him while I had the chance.

But that's what I love about sports, whatever the sport. There's usually a winner and a loser and if you lose you just have to work harder. After becoming irritated at being slow, I began running more than I was studying (which doesn't necessarily mean much). That's what's special about sports. I think it's a shame everyone hasn't had the opportunity to play them. No matter how upset, angry or sad I was, I'd be able to control it off the court because I could let it go on the court. It wasn't like arguing because so many times there's no winner. In fact, in an argument, both parties could be right or both could be wrong. Political issues like the Republican's Trickle Down Theory, Reagan's Star Wars, even Forbes' Flat Tax Rate all have good points on both sides. Only time will tell which ideas were "right." Other issues such as abortion are either right or wrong to each individual. Arguing in my small southern town went much like this: (Person 1) "Republicans are evil!" (Person 2) "Why do you say that?!" (Person 1) "Because the Bible says so!" [At which point a verse is shown or stated.]. Then you walk to the other end of the hall. (Person 1) "Democrats are Satan's children!" (Person 2) "Why do you say that?!" (Person 1) "Because the Bible says so!" [At which point the same verse is shown or stated.]

Those arguments used to frustrate me to the point of insanity. After growing up around that, you learn to make concessions fast during an argument and learn to avoid an argument you're not going to win, even when you're right, because it's more important to keep your sanity than win the argument. And certainly the Bible was not the only point of conflict but just the easiest example I could think of. The longer I'm away from the area in which I grew up (and make no mistake I love the area and certainly miss many aspects of being there), the more I see that it is possible to keep your sanity and give your opinion. I think it's easy to see why I love sports, especially when your whole world

can be defined by what you can do with a racquet, which seemed to make life much easier and a lot of fun. I guess I became aware of that when I hurt my knee and wasn't able to play. But what it did do was open my eyes to a whole different world, one that wasn't defined by what was on the court but what was there off the court.

The world was so different where I grew up. People went out of their way to not buy expensive houses and expensive clothes. And certainly that's OK if that's what you want. But so many of them never left their little nest, being born there, living there, and dying there. Their vacation consisted of going to the big city a hundred miles away. So many miss out on the majestic snow capped mountains, captured so vividly by Ansel Adams, sunsets that set the entire ocean on fire, pyramids built thousands of years ago that seem to touch the sky, beaches with sand so white that it looks like freshly fallen snow... I think that it seems more noticeable to me because so many people I grew up with didn't notice it. The world has so many things to see that sometimes I feel like I'm going to spend my entire life catching up on the things I missed my first twenty-odd years.

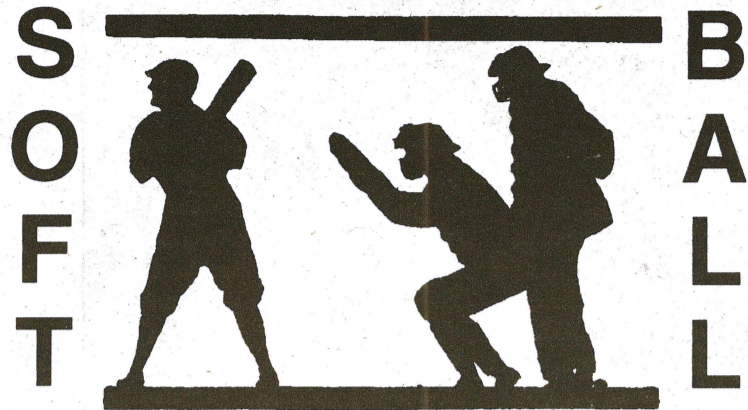
But therein lies the problem of being a lawyer. You can work so hard to make so much that you end up not enjoying any of it. A recent survey by ABC found that most California lawyers were unhappy with their work. So many work hard and had high ideals only to be overwhelmed with paper work and bureaucracy that left them frustrated and depressed with their situations. Many leave law school with the fire it takes to be a lawyer only to realize that being a lawyer isn't all it's cracked up to be, which dumps water on that fire. And with cameras in the courtroom, much of the mystique of lawyers in society is quickly disappearing, especially with the recent criminal cases getting such nationwide attention. I'm becoming more and more irritated by the critical abuse lawyers are taking from society, even though I may choose not to make law my career (though other fields like politics and some businesses suffer from the same social lashing).

Certainly there are some idiotic, devious, or amazingly selfish lawyers that promote this image to society. It's just a shame that it reflects on the whole profession. Sure many make a lot of money, but look at the ones who would leave given the chance were it not for a debt that traps them for decades or others who would like to do good if not for the red tape that surrounds much of their actions. And look at the 70 to 80 hours a week many spend researching and working on cases. How many in society work or would want to work that many hours? Certainly this negative opinion of lawyers isn't a newly formed one. It can be dated as far back as the Bible: "Woe unto you, lawyers! For ye have taken away the key of knowledge" (St. Luke). See above for irony of using bible quote to prove a point. And in Shakespeare's *Henry VI*, after Cade described what he would do after becoming King, the first response was, "The first thing we do, let's kill all the lawyers!"

But I suppose that anyone in a position of relative authority or power will be the target of resentment, even with that power decreasing as a more critical light shines on the profession. It's just a shame when idiots in society dictate what the mass

**RAJ** continues on page 19

## Intramural Report



By Dave Boyd

Once again the Intramural season is upon us and there is news to report. First we will take care of the playoff season and winners from last semester. I took no notes and since my team lost in the semi's I really don't care about the rest but here it is. Some would call me bitter, what do you think? Todd you're still not the "best" team.

Comp: Congrats to R.O.Y.S. on their victory over Natural Born Killers (NBK) in the final round. Luckily for R.O.Y.S., they lived up to their acronym - Rest Of You Suck. How creative and apparently how true. But just remember that R.O.Y.S. did lose last season to Kaiser Sosa Conspiracy (KSC) and despite all their efforts to explain away the loss, it still remains the only blight on R.O.Y.S. record. But unlike NBK in their first championship season, rumor has it that R.O.Y.S. will be disbanded. Apparently this team realizes that any attempt to defend their title would be futile. Regardless of whether the rumor is true, R.O.Y.S. will not be taking home any t-shirts this semester. Just for information NBK defeated KSC in the semi-final. As usual KSC held on until the ritual one inning hemorrhage that makes the rest of the game seem somewhat futile and unnecessary. Once again KSC promises a defensive shake-up to avoid what has become essentially destiny for the team. R.O.Y.S. earned their final bid by defeating Bratton's Bombers. This second year team rivalry has proved to be quite competitive and if R.O.Y.S. stays in the league I am confident Bratton's Bombers will have a little payback in mind.

Co-Rec: This league proved to be a little less exciting in the playoff run. There was very little question on who the final teams would be, and to no surprise the final

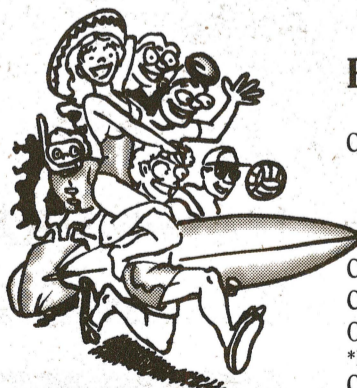
teams were Res Judicata and Funkybones. Funkybones beat Res Judicata (RJ) in the regular season which was the only loss for RJ during the regular season. The rematch was set, with Funkybones the slight favorite and they... folded almost immediately. I don't much like the alumni team, but Funkybones just plain got beat. So basically there are a bunch of people out there who no longer go to school here that have our t-shirts. Due to scheduling restraints the alumni may not have a team this season, but if they do it would be nice to see that they didn't walk away with another championship - that is embarrassing. Plus now they will think that if they are not allowed to play, that it was because they were winning. They must be humbled.

The upcoming season should prove to be interesting. Depending on the R.O.Y.S. decision, the comp league should prove to be relatively constant. Three to four contenders and four to five teams that have no chance. Co-Rec is rarely predictable in any sense since it relies on female participation which is far from predictable. But either way Spring softball is coming and hopefully will be free of rain and forfeits.

Basketball will be starting or started on Feb. 4th. There is no news to report as of yet since I have no idea who will be playing or what the first talent pool will bring. Good luck to all and remember, this is the game where even first years have a good chance at the glory.

Correction: The last article written by my lackey Ryan Saba stated that he hit a home run. Saba did not hit a home run, has never hit a home run (in this league), and never will hit a home run. Perhaps this challenge will get him to rise to the occasion. Something his female friends would love I am sure. But he did have a hit.

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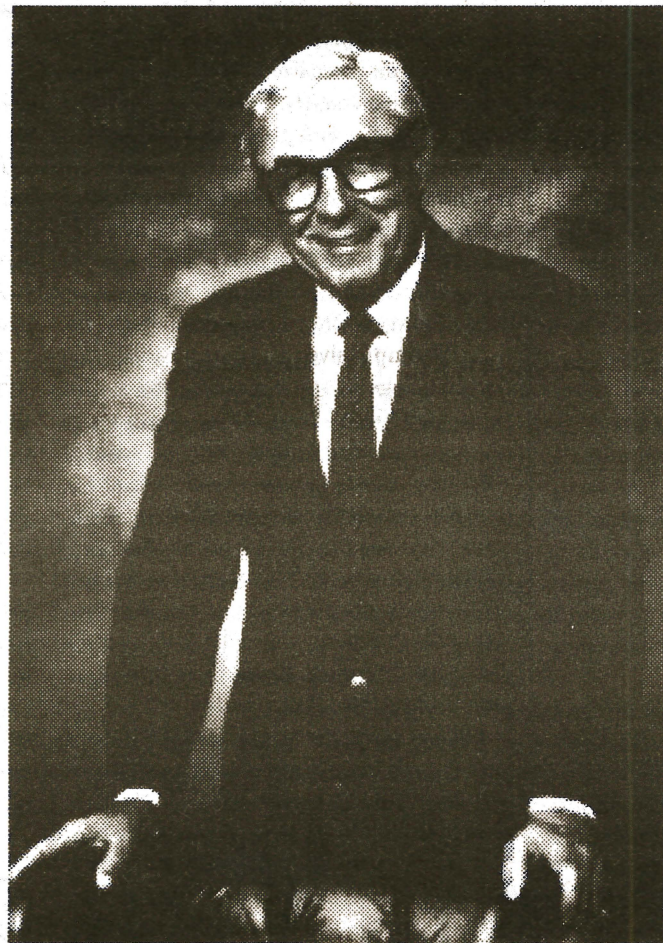
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# Belinda Etezad Rachman Says



*These are the questions the Bar asks your friends. Don't say Motions never did anything for you!*

Ever wonder what questions the State Bar of California will spring on your pals if you dare give their names to the Bar? You have to name names when it comes to applying for the Moral Character portion of the Bar. You will pay \$265 for the pleasure of being investigated so that the Bar knows you are worthy of practicing law in California. This has been the thing I dreaded most. I was sure they were going to ask the kinds of questions that would reveal who the deviants were. So it was with great relief when Bobby, my best friend of 20 years, faxed the 12 questions with his responses and I saw that he could almost be completely honest when answering.

In the spirit of service that is the least you should expect from those in charge of your law school newspaper, here are the big twelve. You can alert your friends as to what is coming. There can't be many here with a more checkered past than I, so you shouldn't have any problems.

- 1) Do you know the applicant well? (easy one)
- 2) Are you related to the applicant? (are you so pathetic you don't have friends?)
- 3) Has the applicant ever been terminated for cause from employment? (when you explained your lost job to your pals there was no cause at all, it came as a big surprise)
- 4) Has the applicant ever been asked to resign from employment? (Hell no, I quit!)
- 5) Has the applicant ever been arrested for or committed a violation of the law? (problematic if you drive over 55 or have fun on a regular basis)
- 6) Has the applicant engaged in fraudulent or deceitful conduct? (Bobby answered No even though I told him to wait outside that Mosque in Morocco because he looked too Jewish while I snuck in and pretended I was Moslem)
- 7) Has the applicant been a party to a lawsuit? (easy one)
- 8) From your personal knowledge, do you believe the applicant has been diagnosed or treated for a chemical dependency that would currently interfere with his/her ability to practice law? (Spot how many different ways there are to wiggle out of this one. What addict thinks they have a problem dealing with anything as evidenced by the amount of drinking and driving. No wonder there are so many drunks practicing law in California if questions like these are supposed to filter them out)

9) From your personal knowledge, do you believe the applicant has been diagnosed or treated for a medically recognized mental illness, disease or disorder that would currently interfere with his/her ability to practice law? (another wiggler. You might be convinced you are the incarnation of President Kennedy's left nut but no one ever diagnosed you as nutty or else your pal doesn't think it would interfere with your practice, and the next thing you know you're standing next to me at our swearing in ceremony)

10) Do you believe that the applicant is of good moral character with respect to honesty, fairness, candor, trustworthiness and observance of fiduciary responsibility? (I say everything on my mind at all times so the honesty part is easy. Bobby answered yes even though we ambushed Kitty Carlisle Hart (Wife of playwright Moss Hart, perennial game show contestant and Arts Commissioner for New York State) at the Guggenheim by jumping behind her and pretending we were with her every time the paparazzi took her picture when I was supposed to be helping my boss host the party instead of fooling around with Bobby. Was that a breach of trustworthiness?)

11) On the basis of your knowledge of the applicant's moral character, do you unequivocally recommend the applicant for admission to practice law? (no matter what your deal is, true friends will answer yes)

12. How many years have you known the applicant? (easy one if your friends can count and remember when they met you)

Since Bobby is the social columnist for the New York Times I knew I could count on him for any creative writing that might be needed. I'm just glad the questions were so easy he didn't need to resort to that. This is the best \$265 I ever spent. Good luck to the rest of you.

Editors Note: It's that time of year again. Mom gave me last year's code books and my old set is up for grabs to the first person who finds me and asks for them. Last year Michelle Brenot was the observant person who noticed this yearly give-a-way announcement and found me on the first day the paper came out. The whole set is in my car. If you want them, I'm always around on Tuesdays and Thursdays.

## Settlement *continued from page 1*

independence from the University. Young, a former Assistant Dean for Administration and Graduate Programs, brought a wrongful termination suit against USD, alleging she was

fired in retaliation for reporting to University management that Dean Kristine Strachan had missappropriated funds and altered statistics given to U.S. News and World Report for their annual survey ranking law schools.

## Toys *continued from page 1*

USD. Mosier added that "anyone unusual would have been spotted or reported to us." Wyngate said she does not think it was someone at USD. "I just wouldn't want to think that. I know it sounds naive."

"Someone really wanted or needed those toys," said Nations "I hope it was done out of necessity, not malice."

"I like to think that some little kid had a nice Christmas," added Wyngate. For future drives, Nations said The WLC will "make it more secure for people to drop off presents. We don't want to stop it because the kids were absolutely thrilled."

Editor's Note: My man Professor Frank Engfelt wrote the WLC a check for \$500 when he heard about their loss. We all love you Frank!

# Campus Watchdog

## Dress for Success?

By Eydie Kaufman

The other day, I happened upon a group of fellow first-years griping. This was not amazing, as it is a skill that first-years seem to rely on heavily. But what was amazing was that they were griping about their fellow students' attire. It appears that some students feel it is inappropriate to wear shorts and t-shirts to law school. After all, they reason, you wouldn't see a law clerk dressed ; . . . down. And it is LAW school, after all.

I may be splashing up treacherous waters here, but I tend to see this as one of the main problems underlying law today. Students and attorneys have bought into this notion of grandeur: that the law is a big mythical beast that only they have been privileged enough to tame. But in a profession that proclaims to be advocating truth, justice and fairness, traditional notions of stature have only served to complicate and perplex matters.

Trends of the legal profession reflect this belief, as witnessed by the move away from "legalese". While a licensed attorney can know and learn archaic legal terms, they make the law incomprehensible to the public. This makes it extremely difficult to explain to juries what their responsibilities are and thus get a fair judgment. While some of the grand language can be traced to the traditional origins of law, most of it is tied to egos.

As a journalist undergrad, I learned that a bad writer will often choose to hide under big, scarce words to make him/herself sound impressive. Realistically, the biggest challenge is stating something in common language that everyone can appreciate and enjoy without altering the important substance of the message.

Similarly, in law there is a movement to stay away from legalese and encourage more concise, coherent writing. And it follows that traditions are being "skirted" in the area of dress as well. In England, female barristers can now wear pants suits. In the US, a woman attorney kicked out of a Florida court for wearing slacks sued the judge and won. Also in Florida, a male lawyer wearing a small earring sued after being expelled from the court.



Don't get me wrong. I firmly believe, and am learning more every day, that the court is a sacred arena that deserves a certain respect. But, one can dress in a manner that does not offend the court without having to buy into the typical corporate-suit, boring-stuffy, attorney look.

Even more importantly, the students that started me on this mini-tirade seemed to feel that merely a clerk or researcher in a law office needs to be professionally dressed at all times. An attorney meets with clients. A researcher or clerk rifles through dusty tomes until all hours seeking vital data. Plus, most clerks are extremely limited monetarily. Do people really care if they go through an attorney's office and see a law clerk piled over some documents wearing a pair of Levi's and a sweater instead of an Armani?

"Hell no," said a high school instructor for El Centro. "If the attorney is good, I don't care what their assistants look like. It wouldn't affect me at all." While I do not think that a person should dress sloppily or wear unkempt, ragged clothing, I cannot believe that, in an office where the lawyer approves it, other law students find that a casually dressed clerk would be an offense to their sensibilities.

"If someone's not going to court, not expected to go to court, there's no reason why they should have to dress formally," said one LL.M. candidate. When I asked him if he would be turned off by seeing a "plain-clothed" researcher in a firm or practice's office, he replied frankly, "I wouldn't give a shit."

Law is a profession, and dressing professionally is undoubtedly an integral part of this career. However, there needs to be more flexibility and realism and less concentration on stale, conservative traditions. Idealistic first-year that I am, I think that for law to thrive and improve, it needs to remain within the familiarity of society and should be more open and warming. While we need to respect the foundation and history of the legal profession, we should not forget that the laws ultimately derive from and work to serve all the people.

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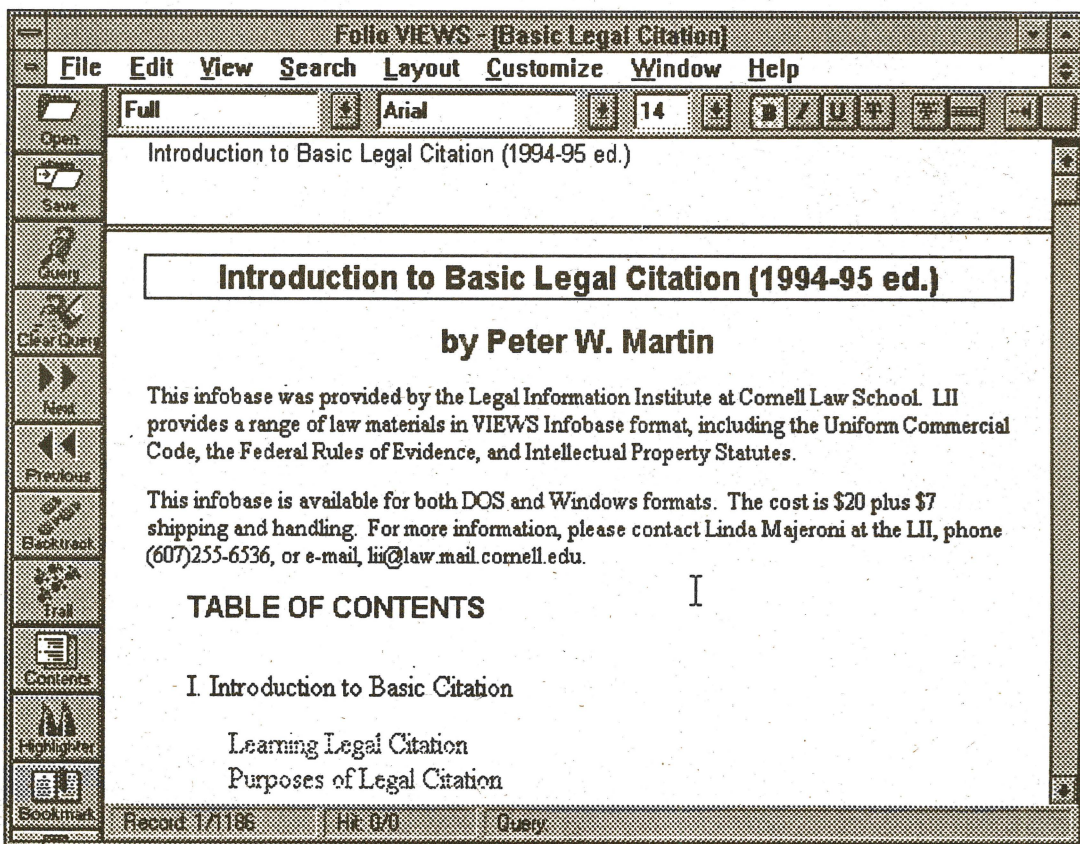
By Larry D. Dershem

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## USD July Bar Fiasco

By Belinda Etezad Rachman

USD's passage rate for the July bar exam, according to Dean Strachan, was "Embarrassing." Out of the sixteen ABA accredited law schools in California, USD came in fourteenth. This is a staggering drop from the February results when we placed a lofty fourth.

The Dean is concerned enough about the situation to have appointed a faculty committee to look into it. She feels something must be done because results like this hurt USD's reputation. "Obviously it is in everyone's best interest that we do well on the bar exam," said Dean Strachan.

While discussing the exam results the Dean reported that success on the bar exam correlates very highly to LSAT scores, but a closer relationship exists between failing the exam and being in the bottom 20% of your first year class. The Dean suggests that if you find yourself in this unfortunate situation, you should pay greater attention while taking your bar exam class.

In some circles, flunking the exam is a

mark of distinction which means you have had a good legal education. Unfortunately USD doesn't have the reputation that would allow us to use this as an excuse.

There is a theory that sometimes the exam is "fixed" by making it harder. There was a 59% pass rate for all first time takers in the 1995 July bar exam, a 41% pass rate for the February 1995 exam and a 63% pass rate for the July 1994 exam.

No matter what has been done over the years to make it harder or easier, USD grads have had a 90% pass rate when you combine 1st and 2nd time takers. Individuals who pass the performance exam generally pass the multiple choice part of the exam as well. It is unusual to do well in one and poorly in the other. This suggests that skills are transferable.

7,138 people took the July 1995 exam. The average pass rate for ABA accredited schools was 83%. USD's pass rate was 78.6%. In February, 1995 31 USD students took the exam and 29 passed for a rate of 93.5%.

## New USD Provost Finally Chosen



Dr. Francis M. Lazarus named to replace Sister Furay on July 1, 1996.

Dr. Francis M. Lazarus has been chosen Vice President for Academic Affairs and Provost of the University of San Diego. According to Dean Strachan he was the first choice of most of those who voted for Sister Sally Furay's replacement. Law professor Paul Horton chaired the committee that interviewed all the candidates.

Dr. Lazarus, currently Vice President for Academic Affairs at Marquette University in Milwaukee, Wisconsin, will succeed Sister Furay, who has held the dual post since 1972, in July.

"Frank Lazarus has had a distinguished record of leadership in Catholic higher education, and, under his direction, this University is certain to reach new levels of academic excellence," said USD President Alice B. Hayes.

Dr. Lazarus, 51, a native of Elma, New York, came to his position at Marquette University in 1988 after eight years at the University of Dayton in Ohio, where he served as the Dean of the College of Arts and Sciences. Prior to joining Dayton, Lazarus was Associate Academic Dean at Salem College in Winston-Salem, North Carolina. During his seven years at Salem College, he was Chairman of Classics and Director of the Honors Program. Before that, he was an Assistant Professor at the United States Military Academy at West Point from 1970-1973.

Dr. Lazarus was named an Administrative Fellow of the American Council on Education in 1978, serving for one year as Special Assistant to the President of Memphis State University.

Dr. Lazarus participated as a professional archaeologist during excavations in Nemea, Greece, as part of a 1977 University of California expedition and in Tel Beer Sheba, Israel, as part of a 1972 Tel Aviv University/University of North Carolina joint expedition. In 1993, he was a consultant with a University Feasibility Study at the Port Authority of Freeport, Bahamas.

Dr. Lazarus holds a B.A. (with concentrations in classical languages and philosophy) from Canisius College in Buffalo, New York, and an M.A. and a Ph.D. in Classical Languages from Cornell University. He is the editor of *Discovery, Faith, Service: Perspectives on Jesuit Education*, (Marquette University Press, 1992).

Dr. Lazarus and his wife, Carol, have three children and currently reside in Brookfield, Wisconsin.

**Applications are being accepted for next year's Motions staff through March 4th. We need an Advertising Director, News Editor, Features Editor, Associate Editor and Editor in Chief. All are paid positions. Submit a resume and cover letter in the Motions folder in the student mailboxes. Interviews will be conducted in mid-March. If you have any questions, give us a call at ext. 4343.**



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# International Law



## USD Prof. Discusses Former Profession in International Law

By Donna Pahl

Before Professor Mike Ramsey joined the faculty here at USD, he was an associate for four years at Latham and Watkins where he practiced international project finance. Now what exactly is international project finance? According to Prof. Ramsey, it is a type of foreign direct investment where typically a third world country (yet not always a third world country), wants to build a powerplant, road or some sort of infrastructure. What they don't have is the money, capacity or resources to do it themselves; therefore, they encourage foreign investment.

The typical process (which Prof. Ramsey was involved with) is where an American company makes a contract with a foreign government to build a powerplant. Another contract is also made to sell the power from the plant to the state power company. The American company is basically the developer, and is in charge of arranging for construction, permits and most critically, for financing. There are two ways to get financing in this type of situation. One way is to get a bank loan, and the other is to sell securities on the public markets. What a company does not want to

do is finance the project itself, especially if it's in an unstable third world country. It is best to limit the risk of the project to the project. Otherwise if it fails, the equity of the American company is at risk and other projects could go down with it. To maintain the separation, the financing can be accomplished by setting up a subsidy or by not including any guarantees.

Lawyers are needed to represent all of the parties involved, the foreign government, the American developer, the banks, the underwriters for the stock, the power company, etc. Generally, Prof. Ramsey's firm represented the developer and sometimes the banks.

The majority of the projects that Prof. Ramsey worked on were in Indonesia. This type of job involves a great deal of travel. Some attorneys in Prof. Ramsey's firm were sent overseas for long periods of time, yet most were shuttled back and forth via long flights (and not first class either).



Professor Michael Ramsey

While claiming that he likes to travel and that there is an element of excitement to working internationally, Prof. Ramsey says there is also some drudgery. There were times when after the 20+ hour flight he would have to go straight to meetings with the foreign government. This work can be tough on families especially if both spouses have demanding jobs. Prof.

Ramsey noted though that most of his married co-workers managed well. One worry for women may be that certain cultures may discriminate against them. Prof. Ramsey stated that in his experience there weren't any problems with gender discrimination, and some of the top attorneys representing the government (in Indonesia) were women.

This area of law is a new field and not at all developed. Prof. Ramsey didn't even know it existed when he was hired at Latham and Watkins. He did regular securities work for his first year, and then started looking around within the firm for

something a bit more challenging. He talked to people about international project finance and used his securities experience to get in the door. If you are interested in a certain specific aspect of law, Prof. Ramsey warns that you may not want to pitch yourself too narrowly at the start because they may not need someone like you at that specific time. He advises that you get in first and then figure out the appropriate people to cozy up to. This is easier to do within large firms.

Prof. Ramsey found his job to be rewarding. He enjoyed helping a country by supplying it with much needed power and technology while not being paternalistic, and of course at the same time making a profit. What he disliked most were the hours, but that is a domestic occurrence also.

When asked what advice he has for students interested in this field, Prof. Ramsey advises students to focus on doing well in school and to take basic transactional classes to help you once you have the job. Prof. Ramsey is available to talk to those who have questions. Feel free to visit his office in room 310 in Warren Hall.

## BARCELONA, FLORENCE SUMMER PROGRAMS PLANNED

By Herbert Lazerow

Many of USD's International Law classes are offered through our summer study abroad program. This year USD will start new summer programs in Barcelona, Spain, and Florence, Italy, next summer. These four-week programs will run from May 27 to June 21 while the weather is pleasant in both these cities, giving students a week afterwards to travel before our summer programs in Dublin, Oxford or Paris.

The Barcelona program will focus on European law, and has received extraordinary cooperation from officials there, including the Mayor, the President of the Supreme Court of Catalonia (equivalent to our Chief Justice), and the Director-General of Universities. USD professor Theresa Player will direct the program, in which Jorge Vargas will offer Int'l Environmental Law and University of Virginia professor Steve Walt will teach Int'l Contracts. Barcelona faculty will teach European Union Law courses. Barcelona is a city rich in art and architecture. Aside from being the hometown of both Picasso and Miro, it was the center of Modernist architecture which is reflected in many public buildings and private houses.

The Barcelona program will be held in the Centre Cultural Contemporania, which is located in the 18th century Casa de la Caritat. This beautiful classical building, with its typically Spanish central courtyard, was completely renovated inside and air-conditioned as a conference center, while maintaining its traditional exterior. It is located in the center of old Barcelona, in the Ramblas de Canaletes district, near both the Plaça de Catalunya and the Plaça de la Universitat. It is but 15 minutes' walk from the renovated waterfront.



Program Director Bert Lazerow and Program Coordinator Cindy King

The Florence program focuses on law related to creative processes. Professor Nancy Carter will direct the program. David Sokolow, perennially voted outstanding teacher at the University of Texas, will teach Int'l Art Law. Michael Gordon of the University of Florida will teach Int'l Intellectual Property. Int'l Negotiations will be offered by professor Allen Snyder.

Home of the Florence program will be the Great Synagogue of Florence, located about 10 minutes' walk east of the Duomo in the Santa Croce area. The Synagogue, a magnificent Moorish-style marble-clad building, is set in its own private garden in central Florence. The tombs and houses of Michaelangelo and Dante are nearby, and all of Florence on both sides of the Arno is within walking distance. There will be substantial opportunities to savor Tuscan cuisine and to appreciate renaissance art, taking advantage of Professor Sokolow's life as an art historian before he became a lawyer.

Both Barcelona and Florence have St. John as a patron. The celebration of the feast day of St. John is just after the program ends, permitting students to remain for the festivities.

Barcelona and Florence join London as early programs. Students can elect up to 4 credits in any of those programs, then proceed to Dublin, Oxford or Paris for 6 more credits.

### Next Month's Features Section will focus on INTEGRITY

(or lack thereof) IN THE LEGAL PROFESSION. If you have an opinion on the subject or an interesting anecdote please write it up and submit it in the *Motions* mailbox (located in the student mailboxes under "M"). If you plan to write, please let Chris Lamb know (drop a note in her box or call her at 560-9054). Some possible topics might be:

- Does law school adequately address the perceived lack of integrity among lawyers?
- Does law school foster a win at any cost mentality?
- Should law school even address the issue?
- Is the negative public perception of lawyers deserved?
- Does the adversarial system penalize lawyers who have integrity?

## Tips on International Law From Prof. H. Lawrence Serra



Professor H. Lawrence Serra

By Cris Lamb

Many people have been inspired to pursue careers in international law as a result of having been exposed to other cultures. H. Lawrence Serra, an adjunct professor here at USD, became interested in practicing international law after having worked as a U.S. spy in Cambodia during the Viet Nam era. Later, he lived in Asia for three years and traveled throughout all of North and Southeast Asia. His immersion in other cultures gave him a unique insight into American culture and law.

As an international attorney, he was one of the first Americans allowed to practice in the area of international commercial transactions in the People's Republic of China. Throughout his career, he has also

practiced, and continues to practice, extensively in Europe.

His deep interest in other cultures motivated him to learn Mandarin Chinese (while still in law school), French, Vietnamese and Spanish.

Professor Serra believes that this is a particularly exciting time to practice international law due to an explosion of private international law issues resulting from the technological revolution, the expansion of governmental regulatory acts, and regional compacts such as NAFTA.

Serra's advice to students interested in going into international law is to spend a summer or semester abroad, become bilingual and bicultural, and consider getting a comparative law degree.

To be a competent international lawyer, you need to be able to understand foreign contract law, write international contracts well, be familiar with the relevant regulatory and administrative laws, and understand how foreign lawyers operate in order to be able to negotiate well with them.

Professor Serra attempts to impart his vast knowledge in these areas during his course, International Sales Transactions. He spends two-thirds of his course lecturing on the substantive and procedural aspects of International Sales, and the last third of the semester is hands-on practical experience negotiating and writing an international sales and licensing agreement.



# WHY I WANT TO PRACTICE INTERNATIONAL LAW

By Lisa Weiss

Why focus on international law? That's a question I've been asking myself a lot lately. It was the summer before my first year of law school at Syracuse University. I had no idea what to expect, but one thing I was certain of was my continuing interest in international issues and how to resolve them. This has always been an area of particular interest to me.

During my undergraduate career, I participated in a junior year abroad program. In the fall of 1990 I went to Vienna. While there, my interest in international law peaked: the "iron curtain" was crumbling, East and West Germany were reunifying, and there was an electrifying sensation of being so near to all these historical events.

In September, 1990, I visited Prague for a week. My program arranged for a group of Czechoslovakian high school students to show us around. The stories these sixteen and seventeen year old students recounted to me were awe inspiring. They recounted the events of November 17, 1989: the day of the Velvet Revolution. One sixteen year old girl told me how she sat in front of a Soviet tank holding out a white rose—how she had a ring of white candles around her—hoping that peace would finally come to her homeland. And to think that when I was her age the most monumental thing in my life was getting my driver's license.

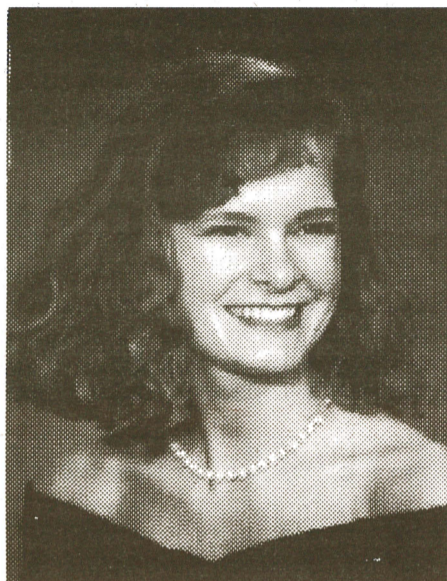
My next stop was Freiburg, Germany; it was spring of 1991. This part of my program was a concentrated study of the European Economic Community. During my semester in this tiny town in the middle of the Black Forest I saw my first student protest—the strange thing was that they were protesting my country, that is, they were protesting U.S. involvement in the Middle East. I had never experienced such awkward emotions—every day walking to class and seeing stuffed dummies wearing U.S. uniforms covered in red paint. My emotions ran the gambit from embarrassment to frustration to anger. These incidents made me want to educate the world on international issues and, in turn, to educate myself on how foreigners view U.S. foreign policy.

Summer 1991 saw me in Paris. While there, I continued my weekend traveling routine; I wanted to see and experience as much as I was able in my relatively short European stay. On the last weekend in June, I decided to visit Dubrovnik, Yugoslavia. My friends had gone down for vacation in the fall and were stunned at the beauty of this quaint, Mediterranean resort. I boarded a night train for Zagreb. About three hours into the journey I met up with two American women; they couldn't believe that I was traveling alone to Yugoslavia. I replied that I had been backpacking through Europe for the past nine months and didn't mind going solo sometimes. Then they showed me that day's edition of the Herald Tribune—the huge bold headline read "YUGOSLAVIA DECLARES WAR." I was flabbergasted.

After several harrowing incidents, I arrived in Zagreb where I immediately hopped aboard a train to Vienna. "Thank God," I thought, "I'm headed to a neutral country." The train stopped at the border and all the passengers were forced to get off. I kept saying to the conductor, "No, this train is going to Vienna." (I also realized how quickly your language skills improve in crisis situations such as this—thank God I knew some German!) Well, the train had stopped because there was

bombing at the border; as a result, there was no transportation available from Yugoslavia to Austria. The only way I could get out of the country was to return to Zagreb.

I was waiting for the next train to Zagreb when two Slovenian soldiers sat down on either side of me—machine guns slung casually over their shoulders. They began asking what I was doing there (luckily, we could communicate in German). To



make a long story short, they found a taxi driver that would drive me to the border. It was only a ten or fifteen minute drive to the border, but it seemed like hours, even days. I could see smoke clouds from the bombing in the hills; I was in a war zone. This fact was driven home to me when we were forced to stop at a "homemade" roadblock and a machine gun was shoved into my window. The taxi driver said these people just wanted to know if he had seen any enemy soldiers, and thought maybe he had some hidden in the trunk. We arrived at the border and I walked across garbed in jean shorts, tee-shirt and Doc Martins. The border officials were able to get me a ride to Graz, the closest train station, and I was off.

Never in my life have I felt as helpless as I did on that day. No one cared that I was an American. No one could be bothered to protect me and my rights. The only things that rescued me from that desperate place were two friendly soldiers and a courageous cabbie.

My last enlightening visit was to Belfast. While I was only there for a little over thirty-six hours, I learned more about human suffering than I ever cared to know. I met up with a German journalist who was covering a story on the children of this divided city. He showed me the areas of Belfast that a tourist would not usually visit: the Peace Line, Shankill Road, the Divis flats, and the poorer sections of the Catholic and Protestant quarters.

We spoke to children about the long struggle between the "Fenians" (Catholics) and the "Prots" (Protestants). It was astonishing to hear an eight year old Protestant girl expound upon her hatred for the Fenians. Then a ten year old boy recounted the story of a sixteen year old boy who was caught stealing by the Ulster Volunteer Forces and was punished by having three of his fingers cut off. The stories from the Catholic children were similar.

The teenagers had a weekly ritual of going out and breaking windows in Protestant areas as well as beating up Protestant children. They told us how their families were harassed by the British soldiers and Protestants and of marches honoring those killed by the Prots. The conflict in Northern Ireland seemed so deeply imbedded in both religious communities that it appears to be beyond resolution.

I was awed by the stories of these youths. I realized how often I take for granted the liberties and freedom I possess as an American citizen. My year abroad heightened my awareness of the struggle of others to obtain what Americans consider inherent rights. These experiences sparked a desire to pursue some aspect of international law—whether it be human rights, trade and development, or international business.

I returned to Paris this past summer on the USD summer abroad program. I took two classes, Public International Law with Professor Weiler, and European Union Law with Professor Swan. Both classes were excellent. The instructors, especially Weiler, provided extraordinary insight into the cauldron of international law. The most difficult thing about this area of practice is that there is very little "hard law;" custom pretty much sets the stage for what international law is. International law is largely determined by who argues the chosen subject matter better—who is more persuasive in his interpretation. While we are continually taught this technique in law school, it's importance is paramount in the practice of international law.

By the end of my travels, I was able to walk away with a better grip on the difficulties involved in practicing international law. As one of my professors used to recite, "Even if you don't want to practice international law, it's good to take an international law class so that you know enough to realize you don't know enough." A bit theoretical, but he was right. That class made me realize that if you want to practice international law, you had better prepare for the worst and hope for the best because international law is only as solid as your arguments.

## The ILS stays active. . .

By Donna Pahl  
ILS President

USD has an International Law Society which tries to educate and furnish students with information about international issues and career opportunities. Last semester we hosted 2 lunchtime speakers and also helped bring Harry Wu to our campus. Our first speaker was Professor Mike Ramsey who delighted students with information about his work in international project finance. Prof. Ramsey also lectured on international careers in general. Our next speaker was Ernesto Grijalva who discussed the current state of NAFTA and offered a job to any interested student who wanted to do some research for him (please let us know if anyone took him up on it).

This semester, although it hasn't been completely planned, holds some interesting opportunities. Look for upcoming information on the study abroad meeting, speakers on international patents and licenses, the foreign service, and international terrorism. If there are any issues that you are interested in, leave a message in the ILS mailbox and we will try to address it. The ILS mailbox is located on the 1st floor outside the Writs.

For those of you interested in looking at study abroad information, the ILS receives a lot of information and brochures from other schools. Stop by to take a look. We also have internet addresses for many different resources (check out the international law section of the State Bar of California). We also receive information about regional career fairs and symposiums. Unfortunately, we often cannot notify everyone of these events, so keep an eye on our door in the Writs for posted notices and carpool sign-ups. Our first meeting of the semester will be in early February. We hope to see you there!

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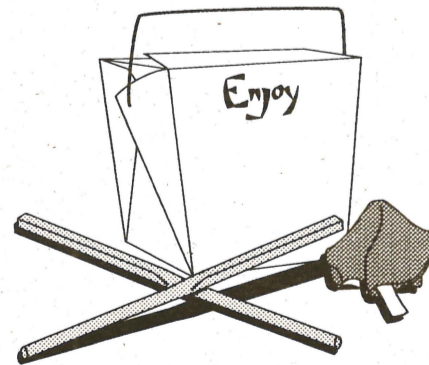


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# USD's Study Abroad Program

## The Trip Worth Taking

By Eve Waterfall,  
Northeastern University School of Law

July 1, 1995 -- "Arrived in Paris tonight, Air France from Budapest. Tomorrow begins part two of this crazy summer of study abroad. First task: buy a map and find the program location in 'Le Marais'."

I always write in a journal, and occasionally I read some of it again. Journal entries from the summer of 1995 will serve as a reminder, not only of my amusing attempts at writing in French, but also of the people and places I discovered through the University of San Diego Institute on International and Comparative Law.

Because of the unique alternating quarter system at my own law school at Northeastern, I was scheduled to attend summer school anyway -- if not in Boston, then elsewhere. Unlike many other students, I needed to join two summer study abroad programs in order to receive the right number of credits. The day after my first program exams ended in Budapest (organized by a different university, but that is another story...), I flew to Paris to join the USD program.

My misgivings about studying law abroad initially concerned me. Was the program reputable? Would a summer in Paris look frivolous on a resume? Would the students take their work seriously? Would the professors be good? Was the glossy brochure misleading? Did it matter that I, a native East Coaster, had never heard of USD Law School? These questions and more passed through my mind that first day as our dedicated staff of Terry, K. Rae and Robert introduced themselves and described the activities of the next six weeks.

I had lived in France before, but never in Paris. Although I knew from experience that Paris is a dynamic city, I was not prepared for the satisfaction I would find studying, commuting, and living in this place -- essentially, making it my home.

Participation in the program exceeded my expectations. With sixty or so stu-

dents, it was easy to find similarly-minded classmates quickly. The students themselves surprised me by their varied backgrounds. Some, like myself, had lived or traveled in Europe before. Others were experiencing Europe for the first time. Still others had never before been abroad. Yet we all shared an interest in law and a desire to conduct this study in one of the world's greatest cities.

With the fairly extensive course offerings, choosing only two courses had proven to be a challenge. Although pleased with Public International Law and Law of the European Community, I often found myself tuning in to bits of the international art law lecture which drifted through the window from the neighboring classroom. Classes met every day and attendance was required. Still, there was room for varying priorities and the professors sympathetically adjusted their expectations if a weekend in Holland or a day trip to the coast occasionally happened to interfere with scholarly pursuits.

The fierce heat of a Parisian July usually forced me to explore the cooler environments of the city in order to get any reading accomplished. On some days, the shade of a tree by the Seine served to make studying bearable. During the worst scorches, a visit to the library of the "Institute of the Arab World" -- the most aggressively air-conditioned building in Paris, it seemed -- became necessary. Wherever I wanted to go, the centrally-located facilities of the University of Paris allowed easy access.

A balance of weekday and weekend outings organized by USD staff provided ample sightseeing possibilities for those inclined to run with the pack. I joined trips to Normandy and Giverny and an architectural walking tour of Paris, all of



which gave me new perspectives to add to my previous impressions of France. Tours of le Conseil d'Etat, le Sénat, and le Palais de Justice, in addition to a presentation by a panel of American practitioners in France, added an extra educational component to the classwork in international law.

Listing the many lovely museums, cafés, bakeries, boulevards, and quaint neighborhoods is a job best left to a guidebook. Beyond these daily interests, however, was the added excitement of the Tour de France and the celebration of Bastille Day. Even the unfortunate Metro bombings proved educational, if in a tragic way, as students experienced life in a foreign

city in a time of crisis.

By the end of August, I found myself again taking exams and evaluating the education I had just received. One by one I revisited my first day musings: indeed, the program was reputable; the experience was anything but frivolous; many students took their work seriously; professors were very good; the glossy brochure was not misleading; and not surprisingly, the fact that I was not familiar with USD law school reflected merely my own "East Coast Syndrome." The staff, the professors, and the program all proved themselves excellent. And Paris? Well, Paris is Paris... c'est tout simple.

## Study Abroad Slide Show & Reception

You are cordially invited to a slide show and discussion of summer foreign programs. We are inviting professors, former participants, those who have already enrolled for 1996, and people who have expressed interest, to a 45-minute program on February 13, 1996, Tuesday in the Grace Courtroom at USD, on the 3rd floor of the Law School, at 4:30 sharp. An informal reception on the 1st floor follows the program.



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# Oxford and Other Escapades in the Summer of 1995

By Chris Dolan,  
Southern New England School of Law

Last summer the USD Study Abroad Program enabled me to view Europe like I never had before. I began my journey to Europe a few weeks before classes were scheduled to begin at Oxford. I picked Turkey as my starting point and planned to work my way towards England. As it turned out my stay in Turkey was much shorter than originally anticipated. While I was doing some touring in southwestern Turkey, I opted to expand my horizons in what turned out to be more of an Indiana Jones type fashion.

I had decided to stray from my usual cultural devotion of sitting on a European bar stool to actually go out and view a Mosque temple in the Muslim section of town. I found I could not get a clear view from where I was standing so I came up



This is the photo taken just before the author crashed through the roof.

am, I ran like hell. I started to hear the exclamation of Turkish voices which at that point to me was the equivalent of Salman

law is some guy named Amand. As I continued my less than leisurely jaunt down what seemed to be miles of endless alleyways, I finally came to a dead-end. After my heart stopped and then started again, I ran into the restaurant in front of me. I quickly moved from the dining area into the bar then on to the kitchen, in which four Turkish cooks stared at me like I was a rabbit and today's special was rabbit stew. I proceeded through the kitchen, camera in hand, down the back staircase and disappeared into town. Needless to say, I took the next boat out of Turkey, but as you can see I did get my photo.

After my Turkish circus act I worked my way through Greece, Italy, France and then on to England. After arriving at Oxford, I found it extraordinarily unique because of the tradition of the institution.

Every place I went was surrounded by an amazing amount of collegiate history. I was initially anticipating being greeted by a group of snobby elite Oxford professors, but found it to be quite the opposite. Not only were they extremely friendly with great senses of humor, but they were also relatively young. I had initially expected to be instructed by a group of professors who were of an era in which Abraham Lincoln had the day off on their birthday.

The courses gave me a great opportunity to study international law from a truly international perspective. It was an interesting change of pace to be able to get a European viewpoint instead of being skewed by the usual American point of view. The staff also did a great job providing some day and evening trips to areas such as Stratford, the birthplace of Shakespeare, and to the Inns of Courts, the home of British law. They also made outstanding efforts to join us for a few (or sometimes more) beers at some of the local pubs.

After a couple weeks of all this culture and tradition, I put my life in perspective and decided to "run with the bulls" in Pamplona, Spain. Running with the bulls was similar to the crowd frantically running out of the theater in the movie *The Blob*. I just kept imagining that the bulls were those angry Turks chasing me down an alley in Turkey. This gave me the incentive to run almost at the speed of light. After that, I decided to mellow out a little before I returned stateside in a casket. All in all, the trip was enlightening, and that is no bull.

*I was contemplating making that call to my mother explaining to her that I now live in a Turkish prison, and her new daughter-in-law is some guy named Amand.*

with the ingenious idea of crawling up on a rooftop to enhance my attempted Polaroid shot. What I did not realize is that in Turkey most rooftops possess the strength of a wet napkin. I quickly came to realize this when I clicked my shot and found my 200 pound body waist deep in some family's roof. I pulled myself out to notice that I had put a hole as big as the ozone layer in the rooftop.

Being the level-headed person that I

Rushdie reciting *The Satanic Verses*. When I turned to look I saw a small angry mob of Turks heading in my direction. As I started to run they started to chase; it looked like a scene out of *Benny Hill*.

While I continued my impression of Carl Lewis, I was having flashbacks of Billy Hayes in the movie *Midnight Express*. I was contemplating making that call to my mother explaining to her that I now live in a Turkish prison, and her new daughter-in-

## More Memories from Paris



By Licia Heffernan and Jill Perry

There are many reasons to take advantage of USD's study abroad program in Paris. From a scholastic perspective, the program offers distinguished and motivating professors from law schools across the country in smaller, more personal classes. The courses offered are not generally offered at USD, including International Art Law and International Trade and Investment (from an economist's perspec-

exploring the history of the city, walking on Professor Lazerow's city tour filled with interesting historical details not found in tour books, going to concerts and musical events, visiting the innumerable magnificent museums and art galleries, strolling the cobblestone streets of the historical Marais district, people-watching in cafes while drinking coffee, ascending the Eiffel Tower, staring in awe at the Louvre's masterpieces, photographing gargoyles atop Notre

tive). Meeting students from across the country is fun and offers an opportunity to network in different cities. Studying abroad is even a great way to boost your GPA because non-USD students do not receive a grade at their school, and usually just need to get a "C" for credit. Also, previous summer institute students spoke at a round table discussion about their experiences practicing law in Paris and gave students information on pursuing international legal careers.

On the fun side, there is so much to do in the beautiful City of Lights, you couldn't possibly do everything. Such things include

Dame, eating French multi-course dinners with bottles of French wine, watching the Tour de France, and, finally, cruising the Seine at night on a Bateau Mouches at the conclusion of the program.

*Licia:* On weekends I either took part in traveling events sponsored by USD or traveled with friends to other European cities. We journeyed to London via the new Channel Tunnel, Barcelona in an all-night sleeper train, and Normandy's World War II landing beaches by rental car. One night we stayed at a picturesque French castle and spent the following day at the incredible Mont St. Michele. Highlights of USD's events include walking through the dark caves of Moet et Chandon and tasting Dom Perignon, seeing Chateau Gaillard (Richard the Lion-Hearted's beautifully situated 12th century fortress), and visiting Monet's gorgeous gardens and museum (his home) in Giverny. Believe it or not, one of the best aspects of my trip was one of my classes. International Art Law was taught by Professor Sokolow, the University of Texas' perennial Professor of the Year, and offered a unique learning opportunity. Our class visited a private French art gallery, accompanied the professor on his tour of medieval Paris, and learned about international art theft, international trade in stolen art, national treasures in various countries, international customs practices, and artist's rights in the United States and abroad.

*Jill:* In addition to seeing the exciting sites in Paris, you can also venture to different countries on the weekend. I purchased a Eurorail pass and traveled to Prague, Vienna, Amsterdam, Pamplona (for the

Running of the Bulls) and Normandy. During the train rides you can either attempt to start your homework or take a bottle of vino to share with your friend while viewing the countryside. Although you may find the individual train tickets are not cheap, keep in mind that you will probably never have the opportunity to have such a fabulous time in foreign countries with great friends. Besides thoroughly taking advantage of the sightseeing and night life, I also loved the personal academic aspect of the summer program.

### SUMMER LAW STUDY

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# Dirty Bathrooms and Law Degrees



By Ken Long

Ten years ago it started innocently enough. I was leaving Catalina on a ferry after a two-day scuba trip. The water was choppy, people were green, and I was bored. My cousin says to me, "You wanna have some fun?" He tells me we'll pick out the greenest passenger on the ferry, stand on either side, and look for our missing pork chop.

It worked great. We saw a 16 year old standing at the side of the boat about ready to hurl. I stood on his left, my cousin on the right. My cousin felt his pockets and alarmingly said he had lost his pork chop. He said it was a good one with a nice layer of grease and fat on it. I said I wanted to chew the fat because it helped prevent get-

ting sea sick. This 16 year old was too sick to kill me, he made a bee line to the john.

So began a life of making people sick. I learned that not everyone has a strong stomach like I do. When my sisters ate too much, I would offer them a thick piece of Spam. They would barf when I offered to butter it. I soaked retainers in pickle brine, and always suggested we eat Big Macs after we stuffed ourselves into lethargy at Thanksgiving. The day after my whole family waddled away from Christmas dinner, I made Chicken Fajitas for breakfast, served with chocolate milk and olives. I made a lot of people pay homage to the porcelain. The fear of retaliation never occurred to me—I never get sick.

Over Christmas I tried to climb a mountain. It got dark, cold, and my stove didn't work (neither did my hands). I could not melt snow, and at that altitude I was very dehydrated. I went down to where the glacier ended and stuck my pan into the icy water, drinking until my sugar-rotted teeth hurt. I knew I wasn't supposed to. In streams, melt water, and lakes there is a little parasite named Gardacia that comes from animal waste. But I was thirsty, and I didn't care.

Two days later I was home in Las Vegas and succumbed to a bout of dysentery. I vomited often, crawling out of the bathroom and lying on the floor of my parents home, groaning like a bloated ox. I sweat most of the day, sometimes hallucinating that I was still in my tent, still on that miserable mountain drinking tainted water. The parasite, inactive in the cold water,

woke up in my warm belly and was making hell. My brother came over to visit me, he said he was concerned about my welfare. He should have been. I was shivering, sweating, and barfing all at the same time.

After looking into my eyes and assessing my symptoms, my brother said that he bought a new book on natural remedies, and he read the part about parasites. He said (with a straight face) that when you have a parasite, you should eat two heads of raw lettuce to "clean you out." He said by now the parasite has laid lots of eggs and I needed to "flush 'em." I was deathly sick, my guard was down, and I managed to let him lead me into the kitchen where he pulled a head of lettuce from the fridge. Even the smell of it made me puke again. But the "flushing" theory sounded like it had merit and I so desperately wanted to get better. Two bites and it all came back up, plus some more. It was a vile sight, me withering on the floor, hands on my gut, in a smelly bathroom.

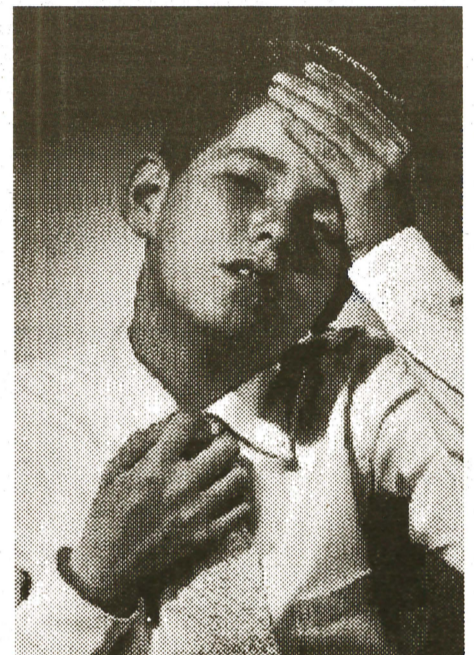
Then I heard a faint chuckle and my brother went on his way. Lettuce does nothing for parasites. I was had. I felt left for dead. To add to my suffering, I knew I deserved it. It has been over a month, and I still can't eat lettuce.

So it is with the practice of law. I am a prosecutor by birth, my nose is hard. I love working in the DA's office—I loved my job last year, working for the FBI, building cases sure to send some folks away for a long time. I don't think about them very much, I have my own life. From time to time, when I sleep outside or drown my

stress under La Jolla Cove, I pity them. I am so free, and life in prison is so bad. But then I remember the crimes they did to deserve prison, I remember the victims. I remember the bags on my desk, knowing they held the only earthly remains of a five year old girl. And I don't regret my work in the least. You reap what you sow.

This is my last semester of law school. I hope when all is said and done, when I grow old and buy a sofa rocker, that I deserve more than the dirty floor of a rotten bathroom. With a law degree, we can do good. And we'll reap what we sow.

The parasite left. I came back to San Diego and volunteered to help old people prepare tax returns.



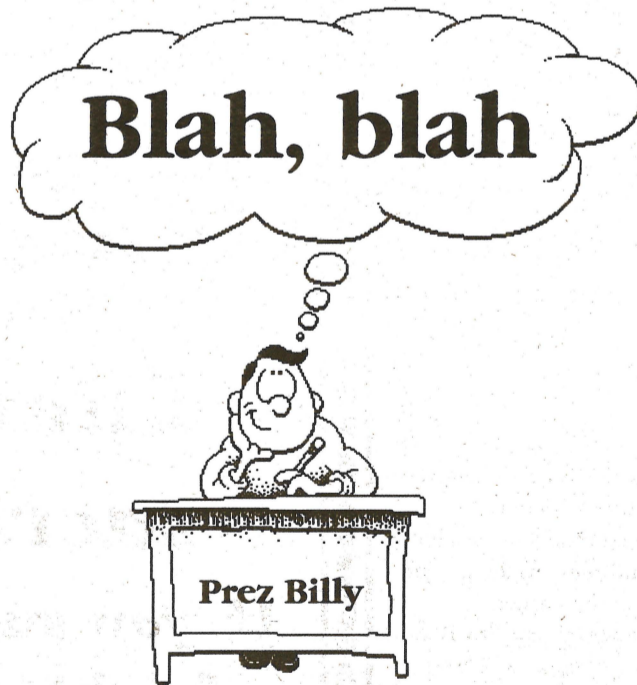
## STATE OF THE UNION REDRESSED

By Thomas Hipke

The State of the Union Address. The forum was full of the leaders of the land with their conservative dress, offset only by the First Lady's fashionable outfit, waiting for the man of the hour. The president, a commanding speaker, took the stand. He prophesied about our future and challenged us to make this a better America. He saluted the heroes of our great country, taunted us with educational goals, and even put in a plug for Hillary. The standing ovations were many, the crowd seemed to cheer on command, but, full of content, the speech was not.

It was the typical boring high school pep rally, full of fluff and enough presidential self-stroking to make Joycelyn Elders proud. Even Comedy Central's presentation, The State of the Union Undressed, hosted by Dennis Miller, couldn't transform the speech into anything engaging. What should have been informative and prophetic was not. The repeat of *Rosanne* running opposite the speech said more on the state of the Union. Do we need this yearly fireside chat?

Bill Clinton's life tells us more of America's condition than his speech did.



His family values seem to include dropping his pants in front of Paula Jones, his wife is on the brink of prison for "Whitewater," he's broke from hiring lawyers, and he is on the verge of unemployment. The real picture on the state of the Union is sex scandals, lawsuits, single parent homes, poverty

and unemployment. Bill Clinton challenged the bipartisanship to raise the minimum wage, but Mr. President, you'll soon find out, \$5 an hour is not going to be able to feed your family of three and solve your troubles.

The only quality this occasion present-

ed was the Prime Time viewing hour. With the "rebuttal" address by Bob Dole this night was nothing more than T.V. exposure for leading party candidates of future elections. And, as we all should know, a candidate's biggest sin is not doing well on television (see Nixon v. Kennedy or Stockdale v. Quayle v. Gore). Ronald Reagan knew how to work the camera and was elected twice. He 'instilled confidence' in the people. We are a Nation of T.V. worshippers. Soon we will have President Sonny Bono and V.P. Gopher (formerly of the Love Boat).

But the speech's lack of content is not all Clinton's fault, the precedent was there. Admittedly, he has been doing a fairly good job in office, showing conviction in leadership, challenging the GOP. I just wish he had changed the speech to be more upfront and not lacking in quality. Push the people, force other politicians to open up. I realize the backlash that this could invoke but it is time to wake people up. Otherwise here's hoping someday MacGyver will run for office. He looks great on T.V. and you know what he can do with a pack of gum and some rubber cement; imagine what he could do with the president's resources.

### ELC Continued

The Clinic challenged the County of San Diego's adoption of a mitigated negative declaration for a proposed subdivision of property in *Sierra Club v. Kibbee*. Both the County and the trial court overlooked substantial evidence from state and federal agencies and biologists of substantial environmental impacts to sensitive habitats and sensitive species on the Kibbee property. The experts agreed that the open spaces proposed as mitigation for the project would not protect coastal sage scrub habi-

tat on the property or the riparian oak woodland. One state-endangered plant, the thornmint, was threatened by the project, as well as several Category Two reptiles.

Clinic student Deborah Hawkins argued the case for the Sierra Club before the Fourth District Court of Appeals. The County and Kibbee urged the Fourth District to abandon the standard of review articulated last year in *Quail Botanical Gardens Foundation, Inc. v. City of Encinitas* 29 Cal.App. 4th 1597 (1994). They argued that a recent California Supreme Court

decision, *Western States Petroleum v. Superior Court* 9 Cal. 4th 559 (1995) mandated "full deference" to the County's decision not to prepare an EIR. They also suggested that 1993 amendments to CEQA supported their "full deference" standard. The Fourth District correctly rejected the application of *Western States*, recognizing that it was a case in which an EIR had been prepared, requiring, therefore, a different standard of review. The Fourth District agreed that substantial evidence in the record supported a conclusion that there would be substantial environmental impacts on the

Kibbee property and that these impacts were not mitigated by the proposed open spaces. The court issued a writ of mandate to the trial court ordering the County to prepare an EIR for the project. The case is now on appeal to the California Supreme Court. If it is heard, this will be the first time since the Court's 1993 decision in *Laurel Heights Improvement Assn. v. Regents of University of California*, 5 Cal. 4th that the Supreme Court has addressed the standard of review when mitigated negative declarations are challenged.



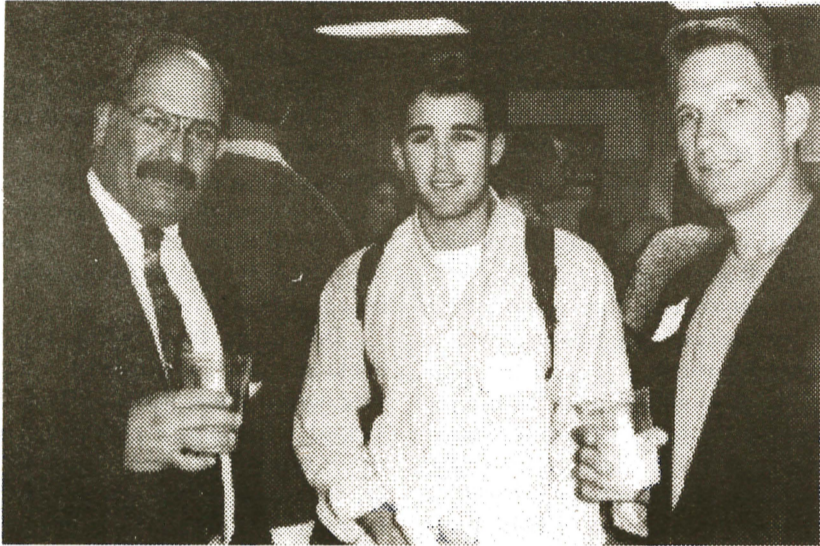
# 1995 Law Alumni Advisor Program Gets Off To A GREAT Start

By Julia Longstaff  
Law Development and Alumni Relations

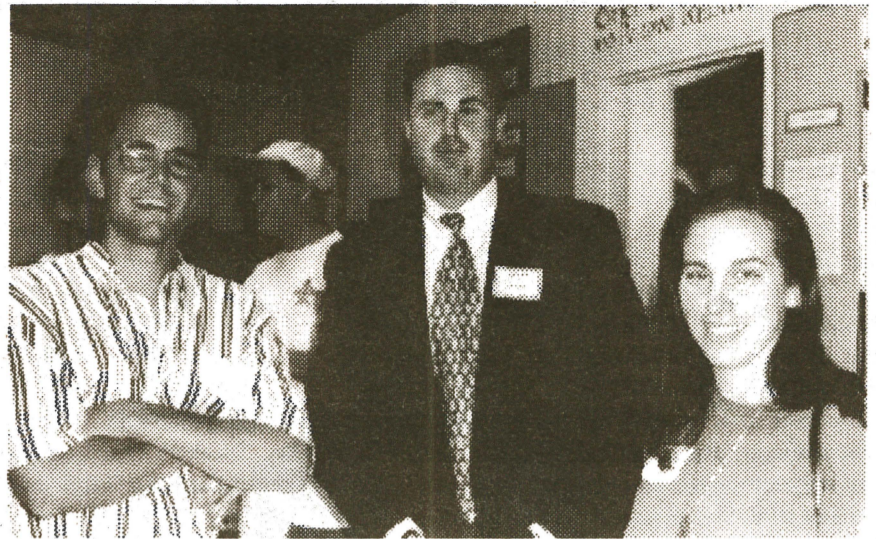
The 1995-1996 Alumni Advisor Program kick off was a tremendous success with 113 students and 63 alumni participating. The Law Alumni Advisor Program, for first year students, originated in 1981 and is sponsored by the Law Alumni Association Board of Directors. Anthony Mournian, class of 1972 and a member of the Board, has been the event Chairperson for three years. A voluntary student committee matches classmates with advisors according to area of practice and interest.

The program provides an opportunity for students to learn first hand about the practical aspects of law.

Alumni Relations held a reception for students and alumni on November 29 on the first floor of Warren Hall. The reception gave the students and advisors a chance to meet and set up additional meetings off campus. We would like to thank those alums who were willing to advise two students. Your advisor has offered his or her time for this program, now it is up to you! Have you contacted your advisor yet?



Jay Sacks, class of 1979, Daniel Flynn and John Kyle



Matt Butler, Joseph Lesko, class of 1985, and Tanya Stansfield



The Honorable Ernest Borunda, class of 1969, and Vincent Bonatto

## THE PERKS OF PRO BONO

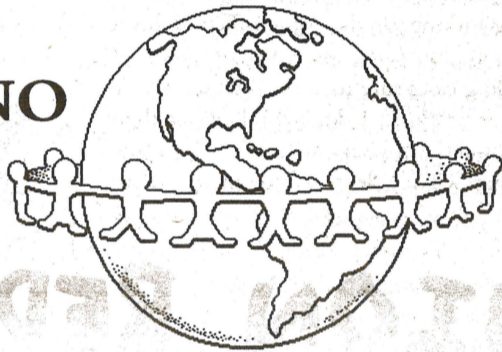
By Ian King

A law student, especially if you are a first year like me, you are constantly busy with school work. I know personally, when I came to law school I told myself I would be involved with nothing except studying, studying and by the way did I mention studying.

However, I have some valuable advice which could take you further than you planned. We all need to volunteer. While many of us believe volunteering is merely a waste of time, or maybe if we're lucky, a resume booster -- I beg to differ.

Last semester I decided I would volunteer with the gang unit in the San Diego County Probation Office. I have no aspirations of becoming a probation officer, but I did think it would be good experience because I want to become a District Attorney someday. While in training for probation I met the director of the gang and drug prosecution unit for the D.A.'s office. I fortunately had a resume with me, and gave it to him. On the day I went to the probation department to get my identification card, the D.A. requested that he have an interview with me. Well, instead of working for probation, I now work in the District Attorney's Office.

The point of this advice is not only that when you volunteer, you may get lucky and get a better job, but the entire reason I got the interview was because my



resume illustrated that I had a wide variety of experience. This experience all comes from volunteering.

Volunteering not only benefits whatever or whoever you are working for, but also helps you more than you may think. You build your resume which makes you look much more attractive to employers. You network with people who may be able to give or get you a job. And if they can't give you a job, they probably know someone who can. Thus, you meet people, which is the key to success. You also gain skills and knowledge which stays with you forever. In addition to all the above which broadens your horizons, you are giving yourself to an entity which needs help and what goes around, comes around.

So remember, next time you see a bulletin or get a flyer in your mailbox, a job could be right around the corner.

For information about any Pro Bono Legal Advocates Program, please leave a message in the Pro Bono mailbox by the Writs. Be on the lookout for the next edition of the Pro Bono Legal Advocates Newsletter.

**The American Heart Association is giving out free copies of "A Guide to Losing Weight." If losing a few pounds is part of your New Year's resolution, then get this brochure. You can find helpful recommendations to turn your resolution into reality. Call the San Diego Office at 291-7454 and ask for Leslie Bruce. Or drop by the office at 3640 5th Ave. to pick up your free brochure. Remember, successful dieting demands planning.**

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# MAKES ME WANNA HOLLER!

## Ideas for Newt

By Joe Tangredi

Nineteen ninety-five. What a year. British film star Hugh Grant is caught in a dalliance with a Hollywood hooker during the opening weeks of not one but two of his movies. Miscreant mechanic Joey Buttafuoco, after having blatantly attempted to parlay his stupidity, miserable luck, and indiscriminate libido into a career in show business by hiring a publicist, is arrested for picking up a prostitute at a Los Angeles 7-11. (He was in town to film a game show episode.) And, lest we forget, Madonna's estate is broken into by a bedraggled homeless admirer, as cynics accuse the Material Girl of staging the episode to revive what they see as her flagging popularity.

Coincidences? In some cases, the public may never know. In 1995, the art of public relations became slicker than ever. These days, the media seem to have become one seamless fabric of unseemliness. Vaunted network news programs sink to levels once reserved for trashy tabloid shows. Trashy tabloid shows gloss up their graphics, hire perky multimedia stars, and pass off their tacky reportage as real news. The year 1995 only saw this trend get worse, with reports of celebrities lurid antics and publicity ploys penetrating virtually every crevice of our existence.

Nineteen-ninety five was also the Year of the Newt. TIME magazine named the new Speaker of the House "Man of the Year," although a TIME editor hastened to point out that Stalin and the Ayatollah Khomeini also received that sometimes dubious distinction. For awhile anyway, it seemed that Newt's face was everywhere. A band of freshman Republican members of Congress followed him around chanting his name. Books of his quotations mysteriously appeared at the supermarket checkout stand. One company even marketed a pair of boxer shorts sporting his smiling visage.

But alas, somewhere along the road to total deification, something went dreadfully wrong. Newt's approval rating, as recorded by all the major political pollsters (Gallup, USA Today, TIME, etc.), plunged into the basement. (It is now thought to be lodged somewhere in the molten core of the earth.) By wide and resounding margins (approaching 90% in some polls), voters said they not only did not trust Newt to handle the country's problems, but that they would never vote for him for president "under any circumstances." Needless to say, at that point Newt cut short his book tour and put the kibosh on his fledgling "exploratory" Presidential campaign effort. Damage control was sorely needed, and fast.

"How can we get my numbers up?" Newt asked his spin-doctors, savvy public relations specialists all. His staff did some brainstorming. One particularly clever staffer suggested that, to counter Newt's image as a late-twentieth century incarnation of Ebenezer Scrooge, the Speaker publicly associate himself with benevolent charities such as Habitat for Humanity and Toys for Tots. (Gingrich drew the line at Greenpeace and the



The author, in a better mood.

Children's Defense Fund, however.) Indeed, right here in San Diego, we have seen evidence of this concerted effort to rehabilitate the public images of Newt and the Freshman Republicans who helped propel him into the Speaker's chair. Newt was at the Kona Kai Yacht Club recently, as the guest of a local Congressman who was elected in the Republican tidal wave of 1994, attending a benefit for a San Diego children's charity.

The Congressman's spin-doctors, as well as Gingrich's, touted the charity (which actually does great work) as an example of a "public-private partnership" -- something they're foursquare in favor of, as opposed to action undertaken solely by the Federal Government on behalf of poor children, which they regard with a level of disdain usually seen only in French waiters. Nobody said anything, however, about what Gingrich and his San Diego pal did to help this charity before the 1994 elections, or precisely what measures in the Republicans' austere budget proposals would hold up the public end of these rather vaguely named "public-private partnerships."

In any event, Newt's handlers came up with a few ideas to convert his image from a whiny, hard-bitten loose cannon into warm and fuzzy Uncle Newt. How these ideas crossed my desk, I ain't tellin'. Suffice it to say that I will soon have the story on video, and you'll be able to order it on my special 1-800 number.

And so, taken from a secret internal Capitol Hill memo, here are Ten Random Things Newt Can Do to Spruce Up His Image (in reverse order for impact): 10) Have him do a heartwarming photo-op cuddling Snuggles, the Fabric Softener Bear; 9) Send him to Bosnia, have him pass out six-packs and smokes to the boys; 8) Have him lose about 60 lbs., teach him to swim real good, and put him in a tank at Sea World to perform as Shamu's new buddy, Babu the Waltzing Walrus; 7) Have him cut an album of duets with Willie Nelson, John Denver, and Reba McIntyre. Donate proceeds to Farm Aid; 6) Put out a press release stating that Newt is the 2nd Coming of Christ: have him grow a beard, wear white robes for that authentic Messiah look; 5) Give him a new catch phrase, like Bill Clinton's "I Feel Your Pain" from 1992 (e.g., "I Notice You've Been Starving" or "Wow! You're Disabled, Aren't You?"); 4) Rush him to the hospital for unnecessary heart surgery, just to lay doubts to rest once and for all; 3) Have him show up at budget negotiations wearing a brightly colored poncho; 2) Have him give all future speeches in haiku; and, finally, 1) Get him on "Pinky and the Brain" (whatever the #%&\* that is!).

Well, dear readers, what do you think? Will these tips give the Speaker his rightful place in the hearts and minds of the American public, and help pave the way for all the new changes he'd like to bring us in 1996 and beyond? I can't say, but this column will do its part to keep you informed about related events in the wonderful worlds of politics and media.

## In Praise of Judicial Activism

By Shaun Morey

**Imbecile v. State:  
Prosecuting Attorney**

"Your Honor, as you know our state legislature unanimously passed the 'Three Generations Of Imbeciles Are Enough' statute which calls for sterilization of all imbeciles. Since it is the Legislature that represents "the people," this statute is an obvious extension of the will of our society. Furthermore, since the statute gives all imbeciles notice of their impending sterilization, and the right to an 'imbecile confirmation hearing,' the statute is clearly constitutional. And finally, the law is based on the strongest of policies: imbecile procreation is bankrupting our state, therefore we must put an end to imbeciles. This woman is a third generation imbecile and she must be sterilized immediately.

"While some overly sensitive individuals may disagree with such a policy, judicial restraint compels this court to order what the Legislature has passed as law."

**Defense Attorney:**

"This is an outrage! Our state legislature has clearly slipped beyond the bounds of human decency. While we admit that our client is a third generation imbecile, we plead with you to use your judicial discretion to stop this extremely unfair and inhumane statute passed by the Legislature. It is intolerable to allow the Legislature to pass such an extreme and unfair law as this. Clearly the law violates our client's right to privacy, and is therefore unconstitutional.

"The Legislature represents only a small percentage of our state's population. It is offensive to hear counsel argue that the Legislature represents "the people" of our state. Politicians have one common goal: reelection. Politicians pander to the lobbyists and concern themselves with the small percentage of people who vote, mainly the middle and upper-middle class.

"It is within your power, and it is your right as a jurist to use judicial discretion to strike down discriminatory and unconstitutional laws such as this. Fairness, Your Honor, is all we ask of you. Allow our client the right to retain her body and her dignity."

**J. Restraint:**

"Thank you counselors. It is true that the legislators make the law. It is also true that our legislators represent the working people of our state. These public servants listen to and respond to our tax-paying citizens. It is not the legislators' fault that all citizens do not vote. That fault lies with the voter. If the non-voters want different laws, they can vote for different legislators.

"It is therefore my decision, following the directive of the legislative representatives of our state, to order the sterilization of your client, a third generation imbecile. Court is adjourned."

Strict constructionists rejoice! Judge Restraint is your kind of judge. Follower of the unbending structure of government developed in the dark days of slavery and the prehistoric times of sexual inequity.

To hell with the old and in with fairness. Judicial restraintists become constrained by a system of justice run by politicians. A political system that neglects the majority of the people.

Most people do not vote. Non-voters are usually uneducated, disillusioned or untrusting of the reconstituted political drool. Many of the non-voters are from the lower middle class and the poor. Ironically, these are the people who clog the courts. They are the ones who are most affected by the laws that are passed by the legislators. Yet these non-voters are the very ones ignored by the lawmakers. Where's the fairness?

Welcome the activist judge. The judge who releases from prison a female felon dying of AIDS. The woman was sentenced to life in prison for committing a minor felony, unfortunately her third (3 strikes you're out). She wanted to be with her family during her final days. Is this such a travesty of justice?

Enter the activist judge who hands his belt to the grandmother of a teenage trouble-maker. The teenager is whipped with the belt in the privacy of the judge's chambers by the grandmother. The teenager emerges humbled. Would you rather the teenager go to jail?

A landlord is forced to live in his filthy, rat-infested apartment building. A powerful corporation is restricted from asking humiliating questions of tampon-wearing women with toxic shock syndrome. Gays are allowed equal protection against discrimination in Colorado (hopefully). Praise the courageous activists.

But always there is fear. The strict-thinking erudites cry anarchy at any creative justice. Pure paranoia. The closed-minded fear injustice and abuse. Yet the abuses would be greater without activism. Where would we be without Brown v. Board of Education, Roe v. Wade, Judge Lord and the Dalkon Shield charlatans?

The stiff-backed restraintists fear change. They don't like a working, expanding, flexible system of law. The restraintists revel in rigidity. They confine themselves to a cell of restrictive rules, unbending and regressive. They want the anticipated. They yearn for unequivocal control. They despise surprise.

Judicial activism will not lead to anarchy. Judicial decisions are reviewed by higher courts at every level but the top. Judges who venture too far from the norm are sanctioned with reversals. Some activist judges have been removed from cases.

But what about the top? What about activism unchecked? "We the people..." We the people are the ultimate check. If the Supreme Court creates a law severe enough to warrant revolution, then we will revolt. Peacefully. We will picket. We will organize and petition. We will change the law. Times have changed. The media is all-encompassing. Cameras are powerful weapons. Information travels in nanoseconds. A law without the nation's support is not a law, no matter who makes it. This is freedom. This is democracy.

Yet no system is perfect. There will be the occasional injustice. The rogue judge who rules against our ideas of fairness. The judge who orders sterilization of imbeciles. No system can protect all of the people all of the time. But a flexible system can protect most of the people most of the time. Rogue judges must be monitored. Television cameras in courtrooms make us more aware of our justice system. Journalists search for inequities in the law. The ACLU, love them or hate them, fights for the doctrine of fairness.

We the people, voters or not, are empowered in this country to uphold justice. We the people strive for equality and fairness. Each generation strives to strike down the injustices of the past. And when the youth of yesterday grow old, when their minds stiffen, a new generation arrives to shake the system. The pendulum swings back and forth, but it slowly advances. Each forward swing carries us further ahead and the backward swing only temporarily slows the progress. Change is good and unstoppable. We must be active not passive. We must progress. We must strive for fairness at every level. Fairness and justice for all, not just for the privileged.



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# Career Services

## FEDERAL SUMMER EMPLOYMENT

While you were away, the federal government shut down. First it was the budget discussions and then it was the weather. Our plans to verify summer employment opportunities were thwarted. The below-listed agencies published summer hiring projections in the 1996 Summer Legal Employment Guide. If you are interested in any of the listed agencies, please feel free to call and confirm hiring information prior to forwarding your application materials. In addition to the agencies we've highlighted in this article, the 1996 Summer Legal Employment Guide identified many agencies which listed application deadlines in January. Given the extensive nature of the government shutdown, I would guess that many of the January deadlines have been relaxed. Please see the Guide for detailed agency information.

### 1996 SUMMER FEDERAL LEGAL EMPLOYMENT OPPORTUNITIES

**COMMERCE, US DEPT OF, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION (NOAA)** - provides legal counsel and guidance to NOAA officials. 3/1/96 deadline for 2L's.

**COMMERCE, US DEPT OF, PATENT AND TRADEMARK OFFICE** - provides administrative and policy direction for the registration of trademarks and other related operations. On-going application deadline for 1L's, 2L's, and 3L's.

**ENERGY, US DEPT OF** - students are assigned to work in Energy Department divisions handling legal matters. 1L's, 2L's,

and 3L's should apply between 1/31/96 and 3/31/96.

**INTERIOR, US DEPT OF, Office of the Solicitor** - serves as chief legal advisor to

5/15/96 deadline for 1L's, 2L's, and 3L's.

**EQUAL EMPLOYMENT OPPORTUNITY COMMISSION** - administers Title VII of the Civil Rights Act of 1964; the

the trading of securities, enforces disclosure requirements, investigates securities fraud, and enforces any resulting legal sanctions. 1L's and 2L's need apply no later than 3/15/96 (postmark date).

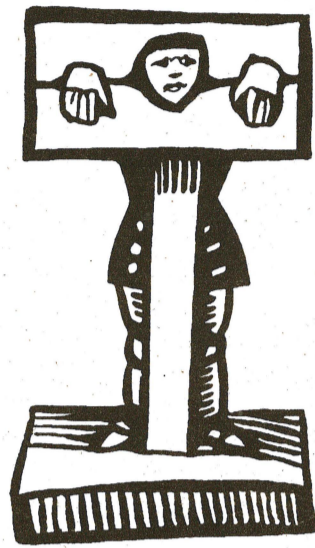
**NATIONAL LABOR RELATIONS BOARD, Office of the Executive Assistant** - acts to prevent employers, employees, and labor unions from engaging in unfair labor practices and illegal union organization activities. 3/15/96 deadline for 1L's & 2L's.

**SMALL BUSINESS ADMINISTRATION, Office of the General Counsel** - assists, counsels, and champions small business by offering small businesses financial and management assistance and helps them obtain government contracts. 3/15/95 deadline for 1L's, 2L's, and 3L's.

**GENERAL ACCOUNTING OFFICE, Office of the General Counsel** - provides legal counsel to the legislative branch agency charged with identifying waste, fraud, and abuse in the federal government and reporting it to Congress. 2/28/96 deadline for 1L's.

**NOTE:** Many other U.S. government agencies - within the executive, legislative and judicial branches - are holding 1996 summer intern programs. Internships also exist in international, national political, and legal service organizations.

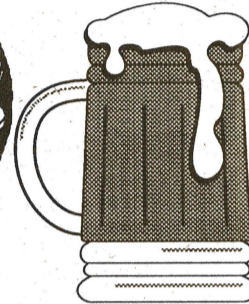
For more information, please stop by Career Services to check out the 1996 Summer Legal Employment Guide from the front desk.



Work



Life



the Department which administers federal lands, is responsible for the conservation and development of fish and wildlife resources, coordinates federal and state recreation programs, preserves and administers the nation's scenic and historic areas, and manages hydroelectric power systems. 1L's, 2L's, and 3L's should apply after 2/1/96.

Equal Pay Act, the Age Discrimination in Employment Act, portions of the Americans with Disabilities Act and the Vocational Rehabilitation Act. 2L's should apply between 2/1/96 and 3/15/96 only.

**FEDERAL TRADE COMMISSION** - ensures that competition in the marketplace is vigorous, free, and fair. 1L's must apply between 12/15/95 and 2/15/96.

**U.S. DEPARTMENT OF VETERANS AFFAIRS, Office of the General Counsel** - provides broad programs of care and assistance to over 29,000,000 veterans.

**SECURITIES AND EXCHANGE COMMISSION** - supervises and regulates

### FEBRUARY 1996

MON	TUESDAY	WEDNESDAY	THURS	FRIDAY	SATURDAY	SUN
			1	2 Video Mock Interviews 2-3:30pm; 3:30-5:00pm; Rm 314. Sign up in Career Services to attend.	3 11th Annual Southern California Public Interest Career Day at UCLA; 9am-3:30pm.	4
5	6 Cover Letter Writing Workshop 12-1pm; 4:30-5:30pm; Fletcher 133. Sign up in Career Services to attend.	7 Video Mock Interviews 4:00-5:30pm, Room 314. Sign up in Career Services to attend.	8	9	10	11
12	13	14 Employer Perspectives on Hiring: Public Interest, Private Firms & Gov't, 4:30-5:30pm, Fletcher 133 -- Apartment Exchange forms deadline	15	16	17	18
19	20 Spring On-Campus Interviews begin.	21 Student Perspectives on the 1L Summer Job Search, 12:00-12:50pm, Fletcher 133	22	23 LL.M. Tax Job Fair, Washington DC	24 Practice Specialties Career Day at Whittier Law School.	25
26	27	28	29			

### MARCH 1996

MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY	SUNDAY
				1	2	3
4	5	6	7	8 Last day of Spring Recruiting	9	10
11 First day of Spring Recess	12	13	14	15	16 Sole Practice Symposium for New Graduates and Law Students, Whittier Law School	17
18	19	20 Networking your Legal Career, 12:00-12:50pm, Fletcher 133	21	22	23 Government Careers Information Day, Loyola Law School	24
25	26	27	28	29	30	31



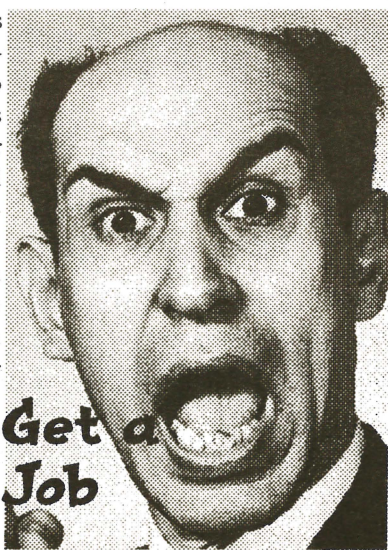
## Evening Student Job Search Tips from Career Services

The Career Services Office would like to provide a few guidelines to help evening students as they consider career options and begin the legal job search. This information is a general overview. For specific job search advice, students are encouraged to make an appointment with Career Services. Initially, many evening students find that scheduling a telephone appointment (at (619) 260-4529) is a convenient way to discuss their career objectives and learn about the legal job search process. In addition, resume and cover letter editing are available by faxing copies to (619) 260-6828, or mailing copies to Career Services, USD School of Law, 5998 Alcala Park, San Diego, CA 92110. Career Services also provides job search guides, reference materials, programs, and workshops to assist students with their job search.

Legal employers -- government, law firm, public interest -- typically solicit resumes, interview, and hire according to their agency's annual hiring schedule. Career Services regularly assists employers in this process. So that evening students can become familiar with these varied hiring schedules and not miss application deadlines, they should whenever possible visit the Career Services Office or check the Career Services bulletin board beginning their second year of law school.

Many evening students have experienced difficulty in obtaining the legal experience sought, and in some instances required, by prospective employers because of conflicts with their full-time employment schedule. In the past, evening students have been able to utilize the following strategies to help them get legal experience and "build a resume":

Negotiate a leave of absence or accumulate vacation time to work a summer law clerking job (summer positions are typically 6-8 weeks). (Evening students should take special note of the importance of summer clerkships. The summer prior to graduation is the most logical time to participate in a summer clerkship if possi-



ble. As most large law firms and local, state, and federal government agencies offer entry-level positions exclusively from their summer clerkship candidates, it is important to consider all the implications of summer hiring upon future employment opportunities. Be sure to carefully evaluate your career objective and determine the hiring procedures of employers in your area of

interest.)

Conduct law clerking project work during weekends or school vacations.

Volunteer for positions with Pro Bono Legal Advocates, VITA, public interest organizations, government agencies, or other legal employers who may have evening or weekend opportunities.

Join local bar associations and attend evening, weekend, or lunch hour activities.

Apply for law school-based positions (hiring qualifications vary), including faculty research assistant, academic support group study leader, or lawyering skills assistant.

Enroll in USD clinical programs (limited availability, prerequisites must be met). Although clinics typically meet during normal business hours, some students have requested a one-semester work schedule adjustment so that they can enroll in the clinical program.

Network. All students must learn the art of networking. Networking is particularly useful, however, for students in full-time professional positions which they intend to leave to pursue law upon graduation. Students should let these colleagues, clients, and other professional contacts know they are looking for legal employment. Request a copy of the *Networking Guide*.

The Career Services staff looks forward to working with you in developing your career plans and assisting you in the job

## Spain and Italy added to Study-Abroad Program

By Paul J. Devine

The USD Institute on International and Comparative Law has added two new locations to its 1996 summer study-abroad offerings. The Institute, in cooperation with several foreign universities, offers students an opportunity to study abroad during the summer. The Institute began conducting the summer law-study programs in Paris in 1973. This year there will be new programs in Barcelona and Florence, in addition to the usual programs offered in Dublin, London, Oxford, and Paris. The courses at each program are conducted in English, and meet the requirements of the ABA and the Association of American Law Schools.

The Barcelona program will be conducted at the Centre Cultural Contemporània, an 18th century building recently updated for the Olympics. Students can take classes in European law, including International Environment Law, European Union Law I, International Contracts, and European Union Competition Law. The Barcelona program which will run from May 27, until June 21. Also debuting this year, the Florence program offers law courses related to creative endeavors, including International Intellectual Property, Immigration Law, Art Law, and Negotiations. Classes will be held at the Great Synagogue of Florence from May 27 until June 21.

The Institute also offers classes in Dublin, London, Oxford, and Paris. The London program (June 3-28), co-sponsored by Regent's College London, offers courses in International Litigation and European Union Law, and sponsors Business Law and English Litigation Internships. In Oxford (July 1-August 9), classes are held at Magdalen College, cosponsor of the program. Six-week courses in European Union Law, Comparative Family Law, Civil Liberties, and Public International Law, and a two-week course, Law of the Sea, are offered. Other courses are offered in the Tutorial Program.

The Dublin program (July 1-August 2) is co-sponsored by the Faculty of Law of University College Dublin. Classes are held at Trinity College Dublin. International Human Rights, Comparative Civil Rights, and Comparative Criminal Justice are offered.

The University of Paris' Centre de Recherche Historique et Juridique houses the Paris program. This program on international and comparative law runs from July 2 until August 9. The courses offered in Paris are: International Business Transactions, International Environmental Law, Tax on International Transactions, Public International Law, European Union Law, and International Entertainment Law. Two graduate business courses, open to law students, are offered by the USD School of Business: Group Dynamics and Leadership, and International Business. Additionally, a two-week course, International Economic Dispute Resolution, and a clinical internship are offered.

At all of the programs, tours of legal interest are arranged, and talks will be held with judges, lawyers, and faculty. In addition to the legal courses, foreign language courses are offered, not for credit, in Florence, Barcelona and Paris.

Admission to the programs is open to persons currently enrolled and in good standing at any law school in the world. The application deadline is March 15, applications received after March 15 will only be considered if space is available.

Information on the program costs, housing arrangements and other expenses is available in the brochure and at the Web Site. For more information, pick up the 1996 brochure, available next to the mailboxes or at the Summer Law Study Office on the third floor of Warren Hall, or visit the Web Site at: <http://192.215.86.8> or through USD's Home page at: <http://www.acusd.edu/Oncampus>. You can also write to Ms. Cindy King, USD Law School, 5998 Alcala Park, San Diego, CA 92110-2492, fax (619) 260-2492; E-mail: [cking@usdlaw.acusd.edu](mailto:cking@usdlaw.acusd.edu).

### Raj *Continued from page 5*

viewpoint should be. But in the end, who cares what morons in this or any law school or those in the real world think. I think Jane's Addiction said it pretty well when

they sang, "...thinking about what makes a man an outlaw or a leader. I'm thinking about power... The ways a man could use it or be destroyed by it... he don't like the place I'm headed... He'd beat me to it if he could but he won't do it, but he would if he could." I think the people I've met in Law School are going to be good lawyers. I'm happy to have met everyone I have met, even the one's who know all the answers in class; and there certainly are reasons for coming to (or in my case, coming back to) law school, not leaving it.

And I hope that whether it's debt, or

type of work, or whatever negative things come from law, you're able to do what makes you happy. For some, having a lot of money, despite the work, will do that. For others, it won't. And for the lucky few, the work and the money will go hand in hand. I think the best saying I've heard and it pretty much pervades all aspects of life including work is, "Don't ever let your mind talk you into something your heart can't live with."

Regardless of the negative things in life, there are always options. A second year student, after being frustrated with the idea of actually having a summer job and even much more frustrated with graduation said it best to me the other day, "If I hate what I do, I'm heading to the Bahamas. Got a hut with my name on it." Now that sounds like a plan.

## Water Law Conferences

Water is one of the essentials for life as we know it. Usable water should not be taken for granted, but it frequently is. If you are interested in learning more about current issues in water law and policy, you should be aware of the following:

The American Bar Association's Section of Natural Resources, Energy and Environmental Law is holding its 14th annual conference on water law at the Sheraton San Diego Hotel & Marina West Tower on February 6-8, 1996. A special registration rate of \$75 is available for law students. Students interested in more details about the program should contact the ABA at

(312) 988-5724 or Professor Jack Minan, LRC room 317, 260-4607.

For the 4th year, Professor Minan, in cooperation with the Environmental Law Society, has organized a water law conference at USD that overviews the ABA water law conference. Presentations will include legal issues involving reclamation and reuse of water supplies, endangered species litigation, and others. The USD conference will be held from 2-4 p.m. on February 9th in the Moot Court Room, with a reception following in the faculty lounge. This conference is available to USD students at no charge.

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